

# JOURNAL

OF THE

SIXTH BIENNIAL SESSION

OF THE

HOUSE OF REPRESENTATIVES

OF THE

# STATE OF ALABAMA,

SESSION OF 1857—'58.

HELD IN THE

## CITY OF MONTGOMERY.

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WITH AN INDEX,

PREPARED BY THE SECRETARY OF STATE.

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MONTGOMERY:

N. B. CLOUD, STATE PRINTER.

1858.

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# JOURNAL.

MONTGOMERY, ALA.,  
Monday, November 9th, 1857. }

This being the second Monday in November, in the year of our Lord, one thousand eight hundred and fifty-seven, the day fixed by law for the meeting of the General Assembly of the State of Alabama, the following members of the House of Representatives appeared in the Hall of the House at the Capitol, were qualified, and took their seats, to-wit: From the county of

*Autauga*—C. M. Jackson.

*Baldwin*—Joseph Nelson.

*Barbour*—M. A. Browder, Henry D. Clayton, Joseph C. McRae.

*Benton*—J. J. Baugh, J. H. Caldwell, John H. Wright.

*Bibb*—R. Parker.

*Blount*—Thomas H. Staton, W. H. Edwards.

*Butler*—Samuel Adams, A. B. Scarborough.

*Chambers*—G. W. Allen, Samuel Jeter.

*Cherokee*—Thomas Espy, A. G. Bennett, W. R. Richardson, L. M. Stiff.

*Choctaw*—J. M. Pennington, A. Cullum.

*Clarke*—James J. Goode.

*Coffee*—Jeremiah Warren.

*Conecuh*—Jno. D. Cary.

*Coosa*—Geo. E. Brewer, Evan Calfee, Alex. Smith.

*Covington*—Alfred Holly.

*Dale*—Elias Register, Haywood Martin.

*Dallas*—Thos. E. Irby, A. G. Mabry.

*De Kalb*—A. W. Majors.

*Fayette*—A. J. Coleman, James Brock.

*Franklin*—Wm. M. Jackson, Robt. E. Bell.

*Greene*—S. F. Hale, Robt. E. Huckabee.

*Hancock*—A. Smith.

*Henry*—James Pynes, James Murphy.

*Jackson*—J. M. Cloud, J. B. Talley, J. S. Eustace.

*Jefferson*—O. S. Smith.

*Lauderdale*—H. D. Smith, Sterling A. M. Wood.

*Lawrence*—James S. Clarke, Henry A. McGhee.

*Limestone*—Thos. H. Hobbs, Wm. M. Reedus.

*Lowndes*—Duncan McCall.

*Macon*—J. M. Echols, T. F. Flournoy, Benj. Thompson.

*Madison*—S. S. Scott, Stephen W. Harris.

*Marengo*—A. B. Lesueur.

*Marion*—Kimbrow T. Brown, Leroy Kennedy.

*Marshall*—Wm. M. Griffin, J. L. Sheffield.

*Mobile*—Wm. G. Jones, Thos. H. Herndon, H. F. Drummond.

*Monroe*—F. E. Richardson.

*Montgomery*—Chas. H. Molton, Jas. R. Dillard.

*Morgan*—R. N. Walden.

*Perry*—Geo. D. Johnson, A. G. Bradley.

*Pickens*—A. I. Neal, I. L. Nabors.

*Pike*—Joel D. Murphree, James Boatright.

*Randolph*—A. W. Denman, Isaac S. Weaver, W. H. Smith.

*Russell*—S. S. Colbert, Clark Aldridge.

*Shelby*—N. B. Mardis, J. P. Morgan.

*St. Clair*—Richard F. Hammond.

*Sumter*—R. F. Houston.

*Talladega*—D. H. Remson, Jno. T. Bell, J. B. Martin.

*Tallapoosa*—M. J. Bulger, Jas. Johnson, Henry M. Simpson.

*Tuskaloosa*—A. H. Brown, E. A. Powell.

*Walker*—Wm. Reid.

*Washington*—Jas. B. Slade.

*Wilcox*—Felix Tait.

On motion of Mr. Smith, of Lauderdale,

Mr. Irby was called to the chair, and Mr. Albert Elmore appointed clerk, *pro tem*.

The House then proceeded to the election of a Speaker; and Crawford M. Jackson alone being in nomination, received all the votes cast, to-wit: 89; except Wm. Scarborough, who voted for Mr. Adams.

Mr. Jackson having received a majority of all the votes given, was escorted to the chair by a committee, consisting of Messrs. Smith, of Lauderdale, Hobbs and Hale, was qualified and entered upon the discharge of the duties of the office.

The House then proceeded to the election of a principal clerk. Albert Elmore, of Montgomery, alone being in nomination,

who, having received the whole number of votes given, to-wit, 93, was declared by the Speaker to have been duly and constitutionally elected principal clerk of the House of Representatives for the term prescribed by law. He was qualified, and entered upon the discharge of the duties of the office.

The House then proceeded to the election of an assistant clerk.

Wm. M. Hames, of Benton, W. D. Moore, of Jefferson, Jno. G. Stokes, of Macon, being in nomination.

Those who voted for Mr. Hames, are:

Messrs. Baugh, Bell of Talladega, Bennett, Bradley, Caldwell, Cloud, Cullum, Denman, Drummond, Eustace, Holly, Johnston of Perry, Jones, Mabry, Mardis, Martin of Talladega, McGhee, Neal, Pennington, Register, Remson, Smith of Lauderdale, Smith of Randolph, Stiff, Talley, Weaver and Wright—27.

Those who voted for Mr. Moore, are:

Messrs. Brewer, Brock, Brown of Marion, Brown of Tuskalooza, Calfee, Clarke, Clayton, Edwards, Espy, Goode, Griffin, Hale, Hammonds, Harris, Hobbs, Kennedy, Little, Majors, McRae, Morgan, Nabors, Parker, Powell, Reedus, Reid, Richardson of Cherokee, Scott, Sheffield, Smith of Coosa, Smith of Jefferson and Staton—31.

Those who voted for Mr. Stokes, are:

Messrs. Speaker, Adams, Aldridge, Allen, Bell of Franklin, Boatright, Cary, Colbert, Dillard, Echols, Flournoy, Herndon, Huckabee, Irby, Jackson of Franklin, Jeter, Johnston of Tallapoosa, Lesueur, Martin of Dale, McCall, Molton, Murphree of Pike, Murphy of Henry, Nelson, Pynes, Richardson of Monroe, Scarborough, Simpson, Slade, Tait, Thompson, Walden, Warren and Wood—34.

Mr. Browder voted for Mr. W. P. Hilliard.

Neither of the candidates received a majority of all the votes given.

The House proceeded to ballot again.

Those who voted for Mr. Hames, are:

Messrs. Baugh, Bell of Talladega, Bennett, Bradley, Caldwell, Cloud, Cullum, Denman, Drummond, Eustace, Holly, Johnston of Perry, Jones, Mabry, Mardis, Martin of Talladega, McGhee, Morgan, Neal, Pennington, Register, Remson, Smith of Lauderdale, Smith of Randolph, Stiff, Talley, Weaver and Wright—28.

Those who voted for Mr. Moore, are:

Messrs. Brewer, Brock, Browder, Brown of Marion, Brown of Tuskalooza, Calfee, Clarke, Clayton; Coleman, Edwards, Espy, Goode, Griffin Hale, Hammonds, Harris, Hobbs, Hous-

ton, Kennedy, Little, Majors, McRae, Nabors, Parker, Powell, Reedus, Reid, Richardson of Cherokee, Scott, Sheffield, Smith of Coosa, Smith of Jefferson and Staton—33.

Those who voted for Mr. Stokes, are:

Messrs. Speaker, Adams, Aldridge, Allen, Bell of Franklin, Boatright, Bulger, Cary, Colbert, Dillard, Echols, Flournoy, Herndon, Huckabee, Irby, Jackson of Franklin, Jeter, Johnston of Tallapoosa, Lesueur, Martin of Dale, McCall, Molton, Murphree of Pike, Murphy of Henry, Wilson, Pynes, Richardson of Monroe, Scarborough, Simpson, Slade, Tait, Thompson, Walder, Warren and Wood—35.

Neither of the candidates received a majority of all the votes given.

The House proceeded to ballot again.

Those who voted for Mr. Hames, are:

Messrs. Baugh, Bell of Talladega, Bennett, Bradley, Caldwell, Cloud, Cullum, Denman, Espy, Eustace, Holly, Johnston of Perry, Jones, Mabry, Majors, Mardis, Martin of Talladega, McGhee, Morgan, Nabors, Pennington, Register, Remson, Smith of Randolph, Talley, Weaver and Wright—28.

Those who voted for Mr. Moore, are:

Messrs. Brewer, Brock, Brown of Marion, Brown of Tuska-loosa, Calfee, Coleman, Edwards, Goode, Griffin, Hale, Hammonds, Harris, Hobbs, Houston, Kennedy, Little, Neal, Parker, Reedus, Reid, Richardson of Cherokee, Scott, Sheffield, Smith of Coosa, Smith of Jefferson and Staton—27.

Those who voted for Mr. Stokes, are:

Messrs. Speaker, Adams, Aldridge, Allen, Boatright, Browder, Bulger, Cary, Clarke, Clayton, Colbert, Dillard, Echols, Flournoy, Herndon, Huckabee, Irby, Jackson of Franklin, Jeter, Johnston of Tallapoosa, Lesueur, Martin of Dale, McCall, McRae, Molton, Murphree of Pike, Murphy of Henry, Nelson, Powell, Pynes, Richardson of Monroe, Scarborough, Simpson, Slade, Smith of Lauderdale, Tait, Thompson, Walden, Warren and Wood—39.

Neither of the candidates received a majority of all the votes cast.

The House proceeded to ballot again.

Those who voted for Mr. Hames, are:

Messrs. Baugh, Bell of Talladega, Bennett, Bradley, Caldwell, Cloud, Cullum, Denman, Drummond, Espy, Eustace, Holly, Johnston of Perry, Mabry, Mardis, Martin of Talladega, McGhee, Morgan, Nabors, Neal, Nelson, Pennington, Register, Remson, Scott, Smith of Lauderdale, Smith of Randolph, Stiff, Talley, Weaver and Wright—33.

Those who voted for Mr. Moore, are :

Messrs. Brewer, Brock, Brown of Marion, Brown of Tuskalooosa, Calfee, Clarke, Clayton, Coleman, Edwards, Goode, Griffin, Hammonds, Hobbs, Kennedy, Lesueur, Little, Morgan, Parker, Reedus, Reid, Richardson of Cherokee, Sheffield, Smith of Coosa, Smith of Jefferson, Staton and Tait--26.

Those who voted for Mr. Stokes, are :

Messrs. Speaker, Adams, Aldridge, Allen, Bell of Franklin, Boatright, Brown, Bulger, Cary, Colbert, Dillard, Echols, Flournoy, Hale, Houston, Huckabee, Irby, Jackson of Franklin, Johnston of Tallapoosa, Jones, Martin of Dale, McCall, McRae, Molton, Murphree of Pike, Murphy of Henry, Powell, Pynes, Richardson of Monroe, Scarborough, Simpson, Slade, Thompson, Walden and Wood--36.

Neither of the candidates received a majority of all the votes given.

The House proceeded to ballot again.

Those who voted for Mr. Hames, are :

Messrs. Baugh, Bell of Talladega, Bennett, Bradley, Brewer, Caldwell, Cloud, Cullum, Denman, Drummond, Espy, Eustace, Harris, Holly, Johnston of Perry, Mardis, Martin of Talladega, McGhee, Nabors, Neal, Pennington, Reedus, Register, Remson, Richardson of Cherokee, Scott, Smith of Lauderdale, Smith of Randolph, Stiff, Talley, Weaver and Wright--32.

Those who voted for Mr. Moore, are :

Messrs. Brock, Brown of Marion, Brown of Tuskalooosa, Calfee, Clarke, Clayton, Coleman, Edwards, Goode, Griffin, Hammonds, Kennedy, Little, Majors, McRae, Parker, Reed, Sheffield, Smith of Coosa, Smith of Jefferson, and Staton--21.

Those who voted for Mr. Stokes, are :

Messrs. Speaker, Adams, Aldridge, Allen, Bell of Franklin, Boatright, Browder, Bulger, Cary, Colbert, Dillard, Echols, Flournoy, Hale, Herndon, Hobbs, Houston, Huckabee, Irby, Jackson of Franklin, Jeter, Johnston of Tallapoosa, Jones, Lesueur, Mabry, Martin of Dale, McCall, Molton, Murphree of Pike, Murphy of Henry, Wilson, Powell, Pynes, Richardson of Monroe, Scarborough, Simpson, Slade, Tait, Thompson, Walden, Warren and Wood--41.

Neither of the candidates received a majority of all the votes given, the House proceeded to ballot again, the name of Mr. Moore being withdrawn.

Those who voted for Mr. Hames, are :

Messrs. Baugh, Bell of Talladega, Bennett, Bradley, Brewer, Brock, Brown of Marion, Calfee, Caldwell, Clarke, Cloud, Coleman, Cullum, Denman, Drummond, Edwards, Espy, Eustace,

Griffin, Hammonds, Harris, Holly, Johnston of Perry, Kennedy, Little, Mabry, Majors, Mardis, Martin of Talladega, McGhee, Morgan, Nabors, Neal, Nelson, Pennington, Register, Reid, Remson, Richardson of Cherokee, Scott, Sheffield, Smith of Coosa, Smith of Lauderdale, Smith of Randolph, Stiff, Tally, Weaver and Wright—48.

Those who voted for Mr. Stokes, are:

Messrs. Speaker, Adams, Aldridge, Allen, Bell of Franklin, Boatright, Browder, Brown of Tuskalooza, Bulger, Cary, Clayton, Colbert, Dillard, Echols, Flournoy, Goode, Hale, Herndon, Houston, Huckabee, Irby, Jackson of Franklin, Jeter, Johnson of Tallapoosa, Jones, Lesueur, Martin of Dale, McCall, McRae, Moulton, Murphree of Pike, Murphy of Henry, Parker, Powell, Pynes, Reedus, Richardson of Monroe, Scarborough, Simpson, Slade, Smith of Jefferson, Staton, Tait, Thompson, Walden, Warren and Wood—47.

Mr. Hames having received a majority of all the votes given, was declared by the Speaker to have been duly and constitutionally elected assistant clerk of the House of Representatives. He was qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of an engrossing clerk; the names of C. C. Carden, of DeKalb, Samuel C. Daily, of Chambers, P. R. Phillips, of Tallapoosa, N. S. Punch, of Montgomery, being in nomination.

Those who voted for Mr. Carden, are:

Messrs. Speaker, Baugh, Bell of Talladega, Bennett, Bradley, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskalooza, Caffee, Caldwell, Cloud, Coleman, Cullum, Denman, Echols, Edwards, Espy, Eustace, Goode, Griffin, Hammonds, Harris, Herndon, Hobbs, Houston, Huckabee, Johnston of Perry, Kennedy, Lesueur, Little, Mabry, Mardis, Martin of Talladega, Majors, McCall, McGhee, Morgan, Murphree of Henry, Neal, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Reid, Remson, Richardson of Cherokee, Scarborough, Scott, Sheffield, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Tally, Walden, Wood and Wright—62.

Those who voted for Mr. Punch, are:

Messrs. Adams, Aldridge, Bell of Franklin, Boatright, Cary, Clarke, Clayton, Colbert, Dillard, Drummond, Flournoy, Hale, Holly, Irby, Jackson of Franklin, Jones, Martin of Dale, McRae, Moulton, Register, Richardson of Monroe, Tait, Thompson and Warren—25.

Messrs. Bulger, Johnston of Tallapoosa, Simpson, Smith of Coosa, and Weaver, voted for Mr. Phillips—5.



Messrs. Allen, Jeter, and Murphree of Pike, voted for Mr. Daily—3.

Mr. Carden having received a majority of all the votes given, was declared by the Speaker to have been duly and constitutionally elected engrossing clerk of the House of Representatives.— He was qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of a doorkeeper.

J. H. Crawford, of Benton, Robert E. Bland, of Perry, Martin N. Nall, of Pike, J. Gibson, of Lawrence, Joseph Knox, of Tallapoosa, and M. Burton, of Montgomery, being in nomination.

Those who voted for Mr. Crawford, are:

Messrs. Baugh, Bell of Tallapoosa, Bennett, Caldwell, Cloud, Drummond, Echols, Espy, Goode, Griffin, Hammonds, Houston, Mardis, Martin of Talladega, Morgan, Reid, Remson, Richardson of Cherokee, Scott, Sheffield, Smith of Jefferson, Stiff, Tally and Wright—24.

Those who voted for Mr. Bland, are:

Messrs. Aldridge, Allen, Bradley, Brown of Tuskaloosa, Colbert, Cullum, Flournoy, Hale, Huckabee, Jeter, Johnston of Perry, Lesueur, Mabry, Neal, Nelson, Parker, Pennington, Powell, Reedus, Richardson of Monroe, Slade and Tait—22.

Those who voted for Mr. Nall, are:

Messrs. Adams, Boatright, Browder, Clayton, Dillard, Eustace, Holly, Irby, Martin of Dale, McCall, McRae, Murphree of Pike, Murphy of Henry, Pynes, Register, Scarborough, Thompson and Warren—18.

Those who voted for Mr. Gibson, are:

Messrs. Bell of Franklin, Brock, Brown of Marion, Clarke, Coleman, Harris, Herndon, Hobbs, Jackson of Franklin, Jones, Kennedy, Little, McGhee, Smith of Lauderdale, Smith of Randolph, Walden, Weaver and Wood—14.

Those who voted for Mr. Knox, are:

Messrs. Brewer, Bulger, Calfee, Cary, Edwards, Johnston of Tallapoosa, Majors, Simpson, Smith of Coosa, and Staton—10.

Messrs. Speaker, Denman, Molton and Nabors, voted for Mr. Burton—4.

Neither of the candidates received a majority of the votes given.

The House proceeded to ballot again.

Those who voted for Mr. Crawford, are:

Messrs. Baugh, Bell of Talladega, Bennett, Caldwell, Cloud, Colbert, Echols, Espy, Griffin, Hammonds, Houston, Irby, Mabry, Majors, Mardis, Martin of Talladega, Nabors, Reedus,

Reid, Remson, Richardson, of Cherokee, Scott, Sheffield, Smith of Coosa, Smith of Jefferson, Stiff, Tally and Wright—28.

Those who voted for Mr. Bland, are:

Messrs. Aldridge, Allen, Bradley, Brewer, Brown of Tuska-  
loosa, Cullum, Dillard, Flournoy, Goode, Hale, Huckabee, Jeter,  
Johnston of Perry, Kennedy, Lesueur, Molton, Neal, Nelson,  
Parker, Pennington, Powell, Richardson of Monroe, Slade, Tait,  
and Weaver—25.

Those who voted for Mr. Nall, are:

Messrs. Adams, Boatright, Browder, Cary, Clayton, Holly,  
Martin of Dale, McCall, McRae, Murphree of Pike, Murphy of  
Henry, Pynes, Register, Scarborough, Thompson and Weaver  
—17.

Those who voted for Mr. Gibson, are:

Messrs. Bell of Franklin, Brock, Brown of Marion, Clarke,  
Coleman, Denman, Jones, Little, McGhee, Morgan, Smith of  
Lauderdale, Smith of Randolph, Walden and Wood—20.

Mr. Speaker voted for Mr. Burton.

Messrs. Bulger, Calfee, Johnston of Tallapoosa, Simpson and  
Staton, voted for Mr. Knox.

Neither of the candidates having received a majority of all  
the votes given,

The House proceeded to ballot again.

The name of Mr. Burton being withdrawn.

Those who voted for Mr. Crawford, are:

Messrs. Baugh, Bell of Talladega, Bennett, Boatright, Cald-  
well, Cloud, Colbert, Echols, Espy, Griffin, Hammonds, Houston,  
Irby, Mabry, Majors, Mardis, Martin of Talladega, Nabors, Par-  
ker, Reid, Remson, Richardson of Cherokee, Scott, Sheffield,  
Smith of Jefferson, Stiff, Tally and Wright—28.

Those who voted for Mr. Bland, are:

Messrs. Aldridge, Allen, Bradley, Brewer, Brown of Tuska-  
loosa, Cullum, Dillard, Flournoy, Hale, Huckabee, Jeter, John-  
ston of Perry, Kennedy, Lesueur, Neal, Nelson, Pennington,  
Powell, Reedus, Richardson of Monroe, Scarborough, Slade,  
Tait, Walden and Wood—25.

Those who voted for Mr. Nall, are:

Messrs. Speaker, Adams, Browder, Cary, Clayton, Eustace,  
Holly, Martin of Dale, McCall, McRae, Molton, Murphree of  
Pike, Murphy of Henry, Pynes, Register, Thompson and War-  
ren—17.

Those who voted for Mr. Gibson, are:

Messrs. Bell of Franklin, Brock, Brown of Marion, Clarke,  
Coleman, Denman, Drummond, Harris, Herndon, Hobbs, Jack

son of Franklin, Jones, Little, McGhee, Morgan, Smith of Lauderdale, Smith of Randolph—17.

Messrs. Bulger, Calfee, Edwards, Johnston of Tallapoosa, Smith of Coosa, Staton and Weaver, voted for Mr. Knox.—8

Neither of the candidates received a majority of all the votes given.

The House proceeded to ballot again :

Those who voted for Mr. Crawford, are :

Messrs. Baugh, Bell of Talladega, Bennett, Brewer, Caldwell, Cloud, Colbert, Dillard, Echols, Espy, Griffin, Hammonds, Houston, Mabry, Majors, Mardis, Martin of Talladega, Molton, Parker, Reid, Remson, Richardson of Cherokee, Scott, Sheffield, Smith of Jefferson, Stiff, Tally and Wright—28.

Those who voted for Mr. Bland, are :

Messrs. Aldridge, Allen, Bradley, Brown of Tuskalooza, Cullum, Drummond, Flournoy, Hale, Huckabee, Irby, Jeter, Johnston of Perry, Kennedy, Lesueur, Neal, Nelson, Pennington, Powell, Richardson of Monroe, Scarborough, Slade and Tait—22.

Those who voted for Mr. Nall, are :

Messrs. Speaker, Adams, Boatright, Brewer, Cary, Clayton, Eustace, Holly, Martin of Dale, McCall, McRae, Murphree of Pike, Murphy of Henry, Pynes, Register, Thompson and Warren—17.

Those who voted for Mr. Gibson, are :

Messrs. Bell of Franklin, Brock, Brown of Marion, Clarke, Coleman, Denman, Harris, Herndon, Hobbs, Jackson of Franklin, Jones, Little, McGhee, Morgan, Reedus, Smith of Lauderdale, Smith of Randolph, Walden and Wood—19.

Messrs. Bulger, Calfee, Edwards, Johnston of Tallapoosa, Nabors, Simpson, Smith of Coosa, Staton and Weaver, voted for Mr. Knox—9.

Neither of the candidates received a majority of all the votes given ; and the House proceeded to ballot again.

Those who voted for Mr. Crawford, are :

Messrs. Baugh, Bell of Talladega, Bennett, Caldwell, Cloud, Cullum, Dillard, Echols, Edwards, Espy, Griffin, Hammonds, Houston, Majors, Mardis, Martin of Talladega, Morgan, Murphree of Pike, Pennington, Reid, Remson, Richardson of Cherokee, Scott, Sheffield, Smith of Jefferson, Staton, Stiff, Tally and Wright—29.

Those who voted for Mr. Bland, are :

Messrs. Aldridge, Allen, Bradley, Brewer, Brown of Tuskalooza, Drummond, Flournoy, Huckabee, Irby, Jeter, Johnson of Perry, Kennedy, Lesueur, Mabry, Neal, Nelson, Powell, Richardson of Monroe, Scarborough, Slade and Tait—22.

Those who voted for Mr. Neal, are :

Messrs. Speaker, Adams, Boatright, Browder, Clayton, Colbert, Eustace, Holly, Martin of Dale, McCall, McGhee, Murphy of Henry, Pynes, Register, Thompson and Warren—16.

Those who voted for Mr. Gibson, are :

Messrs. Bell of Franklin, Brock, Brown of Marion, Cary, Clark, Coleman, Denman, Harris, Herndon, Hobbs, Jackson of Franklin, Jones, Little, McGhee, Reedus, Smith of Lauderdale, Smith of Randolph, Walden and Wood—19.

Messrs. Bulger, Calfee, Johnston of Tallapoosa, Nabors, Simpson, Smith of Coosa and Weaver, voted for Mr. Knox—7.

Neither of the candidates received a majority of all the votes given ; and the House proceeded to ballot again.

Those who voted for Mr. Crawford, are :

Messrs. Baugh, Bell of Talladega, Bennett, Caldwell, Cloud, Cullum, Dillard, Echols, Edwards, Espy, Griffin, Herndon, Houston, Irby, Majors, Mardis, Martin of Talladega, Morgan, Parker, Pennington, Reid, Remson, Richardson of Cherokee, Sheffield, Smith of Coosa, Smith of Jefferson, Stiff, Tally and Wright—29.

Those who voted for Mr. Bland, are :

Messrs. Speaker, Alridge, Allen, Bradley, Brown of Tuska-loosa, Flournoy, Hale, Huckabee, Jeter, Johnston of Perry, Kennedy, Lesueur, Nelson, Powell, Richardson of Monroe, Slade and Tait—18.

Those who voted for Mr. Nall, are :

Messrs. Adams, Boatright, Browder, Cary, Clayton, Colbert, Eustace, Holly, Martin of Dale, McCall, McRae, Murphree of Pike, Murphy of Henry, Pynes, Register and Thompson—16.

Those who voted for Mr. Gibson, are :

Messrs. Bell of Franklin, Brock, Brown of Marion, Clarke, Coleman, Denman, Drummond, Harris, Herndon, Hobbs, Jackson of Franklin, Jones, Little, Mabry, McGhee, Nabors, Neal, Reedus, Scott, Smith of Lauderdale, Smith of Randolph and Walden—22.

Messrs. Johnston of Tallapoosa, Molton, Simpson, Staton and Weaver, voted for Mr. Knox—5.

Neither of the candidates received a majority of all the votes given ; and the House proceeded to ballot again ; the name of Mr. Knox being withdrawn.

Those who voted for Mr. Crawford, are :

Messrs. Baugh, Bell of Talladega, Bennett, Caldwell, Cloud, Cullum, Dillard, Echols, Espy, Hammonds, Houston, Majors, Mardis, Martin of Talladega, Parker, Pennington, Reid, Remson, Richardson of Cherokee, Scarborough, Scott, Sheffield,

Smith of Coosa, Smith of Jefferson, Stiff, Tally and Wright—27.

Those who voted for Mr. Bland, are :

Messrs. Aldridge, Allen, Bradley, Brown of Tuskaloosa, Calfee, Colbert, Flournoy, Hale, Huckabee, Irby, Jeter, Johnston of Perry, Kennedy, Lesueur, Neal, Nelson, Powell, Richardson of Monroe and Tait—19.

Those who voted for Mr. Nall, are :

Messrs. Adams, Boatright, Browder, Cary, Clayton, Eustace, Holly, Johnston of Tallapoosa, Martin of Dale, McCall, McRae, Murphree of Pike, Murphy of Henry, Register, Thompson, Simpson and Weaver—18.

Those who voted for Mr. Gibson, are :

Messrs. Speaker, Bell of Franklin, Brewer, Brock, Brown of Marion, Bulger, Clarke, Coleman, Denman, Drummond, Edwards, Harris, Herndon, Hobbs, Jones, Little, Mabry, McGhee, Molton, Nabors, Reedus, Smith of Lauderdale, Smith of Randolph, Staton, Walden, Weaver and Wood—26.

Neither of the candidates having received a majority of all the votes given, the House proceeded to ballot again.

Those who voted for Mr. Crawford, are :

Messrs. Baugh, Bell of Franklin, Bennett, Caldwell, Cloud, Colbert, Cullum, Dillard, Espy, Hammonds, Houston, Irby, Majors, Mardis, Martin of Talladega, Molton, Nelson, Parker, Reid, Remson, Richardson of Cherokee, Scarborough, Scott, Sheffield, Smith of Coosa, Smith of Jefferson, Stiff, Tally and Wright—29.

Those who voted for Mr. Bland, are :

Messrs. Allen, Bradley, Brown of Tuskaloosa, Flournoy, Hale, Jeter, Johnston of Perry, Kennedy Lesueur, Richardson of Monroe, and Tait—17.

Those who voted for Mr. Nall, are :

Messrs. Boatright, Browder, Bulger, Cary Clayton, Eustace, Holly, Johnston of Tallapoosa, Martin of Dale, McCall, McRae, Murphree of Pike, Pynes, Register, Simpson, Thompson and Warren—18.

Those who voted for Mr. Gibson, are :

Messrs. Speaker, Aldridge, Bell of Franklin, Brewer, Brock, Brown of Marion, Calfee, Clarke, Coleman, Denman, Drummond, Echols, Edwards, Griffin, Harris, Herndon, Hobbs, Jones, Little, Mabry, McGhee, Morgan, Nabors, Neal, Powell, Reedus, Slade, Smith of Lauderdale, Smith of Randolph, Staton, Walden and Wood—32.

Neither of the candidates having received a majority of all the votes given, the House proceeded to ballot again.

Those who voted for Mr. Crawford, are :

Messrs. Allen, Baugh, Bell of Talladega, Bennett, Bulger, Caldwell, Cloud, Cullum, Espy, Hammonds, Holly, Houston, Irby, Majors, Mardis, Martin of Talladega, Parker, Pennington, Remson, Richardson of Cherokee, Sheffield, Smith of Jefferson, Tally and Wright—24.

Those who voted for Mr. Bland, are :

Messrs. Bradley, Hale, Huckabee, Jeter, Johnston of Perry, Powell and Tait—7.

Those who voted for Mr. Nall, are :

Messrs Adams, Boatright, Clayton, Eustace, Johnston of Tallapoosa, Martin of Dale, McCall, McRae, Murphree of Pike, Murphy of Henry, Pynes, Register and Warren—15.

Those who voted for Mr. Gibson, are :

Messrs. Speaker, Aldridge, Bell of Franklin, Brewer, Brock, Brown of Marion, Brown of Tuskalooza, Calfee, Cary, Clarke, Colbert, Coleman, Denman, Dillard, Drummond, Echols, Edwards, Flournoy, Griffin, Harris, Herndon, Hobbs, Jackson of Franklin, Jones, Kennedy, Lesueur, Little, Mabry, McGhee, Molton, Morgan, Nabors, Neal, Nelson, Reodus, Reid, Richardson of Monroe, Scarborough, Scott, Slade, Smith of Coosa, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Thompson, Walden, Weaver and Wood—49.

Mr. Gibson having received a majority of all the votes given, was declared by the Speaker to be duly and constitutionally elected doorkeeper of the House of Representatives, for the term prescribed by law. He was qualified, and entered upon the discharge of the duties of the office.

Mr. Pennington introduced the following resolution ; which was adopted :

*Resolved*, That the clerk inform the Senate that the House of Representatives has organized by electing Hon. C. M. Jackson, Speaker, Albert Elmore, principal clerk, W. M. Hames, assistant clerk, C. J. Carden, engrossing clerk, and J. Gibson, doorkeeper, and is now ready to proceed to business.

Mr. Remson introduced the following resolution ; which was adopted :

*Resolved*, That a committee of three be appointed on the part of the House, to co-operate with a like committee on the part of the Senate, to inform the Governor that the two Houses have organized, and are now ready to receive any communication he may have to make.

Messrs. Remson, Brown of Tuskalooza and Echols, constitute said committee.

Mr. Powell introduced the following resolution; which was adopted:

*Resolved*, That the Speaker appoint the following standing committees:

A Committee on the Judiciary;
“ “ “ Ways and Means;
“ “ “ State Bank and Branches;
“ “ “ Privileges and Elections;
“ “ “ Military;
“ “ “ Internal Improvements;
“ “ “ Education;
“ “ “ Propositions and Grievances;
“ “ “ Agriculture;
“ “ “ Accounts;
“ “ “ State Printing;
“ “ “ County Boundaries;
“ “ “ Enrolled Bills;
“ “ “ Divorce and Alimony;
“ “ “ Roads, Bridges and Ferries;
“ “ “ State Capitol;
“ “ “ Corporations;
“ “ “ Federal Relations;
“ “ “ Penitentiary;
“ “ “ 16th Section Fund;
“ “ “ Banks and Banking.

Mr. Caldwell introduced the following resolution; which was adopted:

*Resolved*, That the editors and reporters of newspapers and journals have leave to come within the bar of the House, and have seats therein, for the purpose of reporting for their respective papers.

Mr. Wood introduced the following resolution; which was adopted:

*Resolved*, That the rules of the House of Representatives of the last General Assembly be, and the same are hereby adopted, as the rules of this House until otherwise ordered; and that one hundred and thirty-three copies be printed for the use of Senate and House.

And the House adjourned until ten o'clock, to-morrow morning.

TUESDAY, November 10th, 1857.

The House met pursuant to adjournment.

The journal was read and approved.

The Speaker laid before the House sundry records of divorce,

which, on motion, were referred to the committee on Divorce and Alimony, when raised.

Messrs. James S. Williams and J. C. Baskins, members from Lowndes and Pike counties, appeared within the Hall of the House, were qualified and took their seats.

Mr. Powell introduced the following resolution, which was adopted:

*Resolved*, That a committee of three be appointed to wait on the various ministers of the gospel, of this city, and request them to open the exercises of this House each day, in rotation, by prayer.

Messrs. Powell, Allen and Staton, were appointed said committee.

Mr. Irby introduced the following resolution, which was adopted:

*Resolved*, That a committee of three be appointed by the Speaker, to act with a like committee on the part of the Senate, to adopt rules for the government of the two Houses, when in joint convention.

Messrs. Irby, Hale and Smith, of Lauderdale, constitute said committee.

A message from the Senate, by Mr. Phelan:

Mr. Speaker: The Senate has adopted the following resolution:

*Resolved*, That the House of Representatives be informed by the secretary, that the Senate has organized by the election of Hon. James M. Calhoun, President; Joseph H. Phelan, principal secretary; Patrick H. Brittan, assistant secretary; W. J. B. Padget, doorkeeper; and are now ready to proceed to business.

Mr. Browder introduced a bill to amend section 2462 of the Code.

Mr. Brewer introduced joint resolutions in regard to divorces.

Mr. Hale introduced a bill to give to the records of the probate court in certain cases, the same effect as are by law given to the records of courts of general jurisdiction.

Mr. Nabors introduced a bill to incorporate the Pickens Insurance company.

Mr. Remson introduced a bill to amend section 1132 of the Code.

Mr. Martin introduced a bill to authorize the joinder of causes of action in certain cases.

Mr. Powell introduced a bill to incorporate the Western Bank of Alabama.

Which bill and joint resolutions, were severally read the first time, and ordered to a second reading.



Mr. Smith, of Lauderdale, introduced resolutions in regard to Kansas matters; which were read.

Mr. Irby moved to refer said resolutions to the committee on Federal Relations, when raised.

Mr. Smith, of Lauderdale, moved to postpone the further consideration of the resolutions until Saturday, 14th, and make them the special order for 11 o'clock, on that day, and the yeas and nays were called.

Yeas 27, nays 66.

Yeas—Messrs. Browder, Bulger, Clayton, Dillard, Echols, Espy, Hale, Holly, Houston, Huckabee, Jeter, Little, Mardis, McRae, Molton, Morgan, Murphy of Henry, Nabors, Neal, Nelson, Pynes, Register, Richardson of Monroe, Simpson, Smith of Lauderdale, Thompson and Wood—27.

Nays—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Ball, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Brock, Brown of Marion, Brown of Tuskalooza, Calfee, Caldwell, Clarke, Cloud, Colbert, Coleman, Cullum, Denman, Drummond, Edwards, Eustace, Flournoy, Griffin, Hammonds, Harris, Herndon, Hobbs, Irby, Jackson of Franklin, Johnston of Perry, Johnston of Tallapoosa, Jones, Kennedy, Lesueur, Mabry, Majors, Martin of Dale, Martin of Talladega, McCall, McGhee, Murphree of Pike, Parker, Pennington, Powell, Reelus, Reid, Remson, Richardson of Cherokee, Scarborough, Scott, Slade, Smith of Coosa, Smith of Jefferson, Smith of Randolph, Staton, Tally, Tait, Walden, Warren, Weaver, Williamson and Wright—66.

The question then recurred upon the motion of Mr. Irby; which prevailed.

Message from the Senate, by Mr. Brittan :

Mr. Speaker : The Senate has adopted the following resolution :

*Resolved*, That the Senate appoint a committee of three to act with a like committee on the part of the House, to wait upon His Excellency, the Governor, and inform him that the two Houses are now organized, and ready to receive any communication he may please to lay before them; and have appointed

Messrs. Crawford, Woodward and Deas said committee on the part of the Senate.

Mr. Hammonds introduced the following resolution, which lays over one day, under the rule of the House :

*Resolved*, That the bills for raising revenue, bills for appropriating money, and all bills for creating corporations and bodies politic, shall be printed, after they shall have been read the first time, and a copy thereof laid on the table of each member, and then taken up for consideration.

Shall be read according to the 30th rule of the House, which lies over one day for consideration.

Mr. Remson, from the joint committee to wait upon His Excellency, the Governor, makes the following report:

They have performed the duty assigned them, and that the Governor will send in his biennial message at 12 o'clock, to-day.

EXECUTIVE DEPARTMENT, )  
MONTGOMERY, ALABAMA. }

*Gentlemen of the Senate and House of Representatives:*

You assemble at a period free from all immediate causes of high political excitement, and favorable to a calm consideration of the duties that devolve on you as the legislators of a free people. Peace and domestic quiet in the political affairs of the State in its internal relations in matters connected with the federal government, as well as our relations with our sister States, and domestic prosperity, relieve me of the necessity of making an elaborate disquisition on the affairs of State. We find the people of Alabama in the enjoyment of a high degree of prosperity unsurpassed by that of any other State of the confederacy, or any other government, past or present—presenting another example in proof of the correctness of the position that the true policy of a free government, is to govern as little as possible: that to insure individual and general prosperity, is to leave every citizen the fullest discretion to select and pursue, each for himself, the road to fortune, which his own judgment and inclination may dictate—untrammelled by levies and taxes, or contributions for the advancement of any particular class of enterprise or interest. The financial affairs and credit of Alabama now present a state of facts in happy contrast to that in which they stood when some of us entered public life, and in happy contrast with many of the States, which then, in pecuniary position and character, occupied a much more favorable standing than that held by us. By a firm and steady course of patient endurance and economy, the greater portion of an enormous debt—incurred by financial empiries and a departure from the legitimate purposes of government—has been liquidated; and the credit of Alabama not only sustained untarnished, but restored to that high position which it should be our first duty to maintain for it. By a steady resistance to the policy of over-zealous enthusiasts and interested incorporations, we have been enabled to avoid that load of responsibility and debt which has been incurred by older and greater States, and which will, for generations, rest upon their people and retard their progress. The correctness of the principle of an entire separation of the affairs of

State from private enterprises and speculations, and leaving to individual energy and private capital the construction of such works as the facilities of commerce may require, is being established by time, and the experience of other States, to such a degree as to give us abundant cause for congratulation that we have been able to resist a popular error, though subjecting ourselves to the taunts and reproaches of those who adopted a different policy. It is well for States and individuals to be "behind the spirit of the age," when that spirit impels us only to embarrassment and bankruptcy. When we see works of magnificent extent and grandeur, constructed at a cost almost too great for belief, pronounced, as State works, failures, and thrown upon the market for the purpose of relieving the people of the expense of keeping them up, we have abundant cause to be thankful that we are not in a like predicament, and that we took warning in time. In another State, the rates of taxation have to be increased by millions to support public works which their projectors were fondly persuaded would relieve the people from all taxes, and even furnish finances for the carrying on of the State government. Other States, more identical with us in resources and interest, have incurred an immense load of responsibility, which will have to be increased at ruinous rates, before they will be able to test the value of works for which they have departed from the safe and conservative principles of government. I hold that the Constitution invests the legislative department with no authority for involving the people of the State with pecuniary obligations for the promotion of any class or particular interest. The only just object of taxation is to meet the wants of the government, economically administered, and to secure the ends of public justice. Whenever a government extorts more than is absolutely necessary for these purposes, it becomes an oppression. Unfortunately for us, the speculative financiering of the past imposes on the people of Alabama a heavy burden of taxation to preserve the honor of the State. Our first duty is to adopt and continue such policy as shall most speedily, and with the least degree of oppression to the industry of the country, pay what we now owe. It is a dangerous experiment for the State to have her citizens under pecuniary obligations. It leads to a formation of interest for a continuance of those obligations. The idea of lending whatever surplus there might be in the State treasury, as a more profitable investment than that the money should lie idle in the treasury, was once favorably received by the people, but experience teaches us the fallacy of that policy. There is no necessity for allowing a surplus to be created in the State treasury. The nearer we can adopt the principles of the

independent treasury bill, in the finances of the State, the better for the people who have the taxes to pay. By a constant application of all the means we may have to a liquidation of the State debt, the possibility of an accumulation of any surplus is avoided. When that is not the case, the remedy is readily found in the reduction of the rate of taxation.

The loans granted to several railroad companies, by acts of the last Legislature, have not been applied for on the terms laid down by the Legislature. Had application been made, however, the funds were not in the treasury for such a purpose, other than the bills or notes of the State Bank and Branches, long since in a state of liquidation; and, in the opinion of the attorney general—in which opinion I fully concur—the re-emission of such bills or notes, to pass as money, is prohibited by the Constitution of the United States.

The Mobile and Ohio Railroad company having failed to apply for a renewal of the loan made them of four hundred thousand dollars, on the terms of the act of January 12th, 1856, and failing at maturity of the loan to pay the same agreeably to the terms of the act making the original loan, instructions were issued from this department for the collection of the same. The company, by litigation, resisted the payment of the debt; and it was not until a decision was had by the supreme court, early in the present year, that any further steps could be taken for the collection of that debt. I was of the opinion that it would be more likely to enure to the safety of the debt and the public interest, not to force a sale of the bonds of the company, or to resort to extreme measures with the personal security. As the Legislature favored an extension of the loan on a better basis of security, it was deemed best to collect by installments, a portion of the debt, amounting to one hundred thousand dollars—which, with the interest due, has been paid. It is now in the province of your honorable body to say whether the debt shall be fully liquidated by regular installments, or collected at once in full. I believed, to make the debt “perfectly safe” to the State, it was proper to collect a part of the money, and to hold on to all the security. The road is now in good running order to such an extent, and doing so large and profitable a business, that it can doubtless meet the balance due without particular inconvenience, by installments, in the next few months. In conducting the suit against the company, I was necessarily compelled to employ counsel for the State. I engaged the services of M. A. Baldwin and John A. Elmore, Esqrs., who faithfully discharged the duties of attorneys to the State. They are, of course, enti-

tled to liberal compensation for their services, which it becomes the province of the Legislature to provide for.

I conceive that the time has come, when it becomes the honor and dignity of a sovereign State, no longer to tolerate the re-emission of the bills of the defunct State Bank and Branches, or the longer circulation of the same as a part of our currency. I most respectfully and earnestly urge, that all the bills or notes now in the hands of the State treasurer, or any other agent or officer of the State, be destroyed by burning; that an act be passed requiring the same to be done by the State officers, monthly; and that the State treasurer, and other agents to be appointed, be required to redeem in coin, or bills of specie paying chartered banks of this State, whatever of such bills as are yet unredeemed. As a part of the policy of closing up the calamitous results of our experiment in State banking, I recommend the discontinuance of the office of State Commissioner and Trustee to wind up and settle the affairs of the banks in liquidation, and a disposition of whatever assets may yet remain uncollected. The very faithful officer who filled that position advised, two years ago, that the good of the State no longer required the continuance of that commission; in which I fully concurred. I presume there can be much less reason now for a continuance of the office than two years ago. Too long already has been kept up the useless expense of keeping open the several offices at the location of the old banks, for the benefit of the few persons who had not yet discharged their debts to the State. By publication of the list of debtors to the State, and offer of sale and compromise, some of those who, in time of pecuniary embarrassment, were unable to meet their engagement, but are now in the enjoyment of affluence, may be induced to come forward and pay something towards the relief of the State treasury from burdens imposed by their misfortunes or improvidence. A sale of the unavailable assets will, doubtless, produce something to the State, while a continuance of the present system may only incur charges to the State. The financial affairs of the State, so far as the payment of foreign interest and bonds is concerned, can be conducted as they have been heretofore, with promptness and ability, through the agency of the able head of the Bank of Mobile, and without cost to the State. By a strict application of all the means of the State to the payment of interest and the redemption of the yet outstanding bonds, in a few years the State will occupy the proud position of having liquidated in full the immense debt, which, but a few years since, oppressed her people, without for one moment having failed to discharge her utmost obligation.

From the report of the commissioners appointed to examine and report upon the affairs of the chartered banks of this State, it appears that they are in a prosperous condition. The management has been faithful and honest, both to the stockholders and the public. It is a matter of regret, however, that provision has not been made by the different banks with each other, to make their notes circulate at par in all parts of the State. I conceive it to be my duty to call the attention of the legislative department to an anomaly in the principle of banking, adopted by this State, in the case of the Northern Bank, located at Huntsville. By an amendment of the charter of that bank, it is permitted to do business upon, and pay out at its counter, the notes and bills of any and all banks of other States. By this privilege it is allowed to put into circulation any amount of bank notes, for which no security is provided, and no specie required to redeem; nor is the bank bound, in case of failure of any of the foreign banks—whose agents it may have become—to receive one dollar of the notes it so throws into circulation, in payment of any debt due it. The chief argument in favor of the establishment of banks in the State was, that the circulation of bank notes, as a currency, would be placed under the eye and authority of our government and laws; and instead of a currency of which the people could know but little, we should have one redeemable at the counter of the banks of the State. No other bank in the State has sought such an extraordinary privilege, and departure from all sound principles of banking. The profits of the bank seem to be large, and I have been able to discover no reason why such a departure should be tolerated. I therefore urge that the bank be required to transact business, in that respect, under its original charter. It is the more demanded, as bank extension seems to have been carried in other States to the utmost extent of safety.

It is believed that many of the Insurance companies, which have, in such numbers, been chartered of late years, have not been established for the legitimate purpose of insurance against dangers of fire and sea, and other casualties, but for the purpose of becoming the agencies of foreign banks, dealing in the usurious discount of bills and notes, and are the active instruments of throwing into circulation an immense amount of the notes of foreign banks, for the redemption of which no funds are provided; in fact, becoming banking companies, instead of what their title professes. Some have gone so far as to issue small bills, which, under pretext of being certificates of bills of deposit, are intended to circulate as money. The toleration of such an evasion of the intention of the acts of incorporation, should not

longer be submitted to. It is injustice to the chartered banks of the State, and to citizens who loan their capital subject to laws on that subject. If, for the want of proper scrutiny, the charters contain provisions permitting these things, it is the duty of the Legislature to amend or repeal such charters. It may be insisted by the advocates of "vested rights," that a charter, once obtained, cannot be altered or repealed. Such a doctrine is entirely irreconcilable with that of State sovereignty. The power of any past Legislature to bind this, and all future legislative bodies, to any particular policy, financial or otherwise, can nowhere be pointed out in the State Constitution, and is wholly inconsistent with the theory of our government. Suppose some privilege had been conferred, years ago, which experience had demonstrated to be destructive to the interests and rights of the people, it would hardly be maintained that the present Legislature could not correct the mistakes of judgment or principles of such past legislation. It is not in the power of a legislative body to surrender, by its acts, any portion of the sovereignty of a State. Every chartered institution or company, which has applied for and obtained any grant from the State, has done so with the knowledge, that the inherent power vested in the sovereignty granting the privileges conferred by such charters, to alter or annul the same whenever the public welfare should demand it; and the charter is necessarily received subject to that reserved right. As a matter of public faith and justice, the power to amend or rescind such chartered rights, should be exercised only when the public good demanded it, or when the charter is made the means of transcending the obvious intention of it, or was not obtained in good faith. The spirit of combining, in privileged incorporations, for the transaction of the most common affairs of life, is of a dangerous tendency, and has been, in past legislation, too readily given into, without proper scrutiny for the public good.

The propriety of a modification of the laws on the subject of the hire or use of money, is demanded by the more enlightened spirit of the times in which we live. The advocates of the present system of usury laws, find their only argument in the ridicule and prejudice promoted by the great English poet, rather than in any sound logical reasoning. The most unbounded discretion belongs to any person in the conduct and management of his own private affairs, and on all subjects of traffic, save the hire of money. No control is attempted in the purchase or use of articles of extravagance, and doubtful value, and even of known want of value. But for the use of the standard of value, by which great commercial transactions are

accomplished, legal trammels are thrown around the free operations of every citizen, greatly to the detriment of all parties. Fair competition in the use of capital is prevented; and many capitalists, who are not disposed to receive more than the law authorizes, are driven from the market. The borrower can only find accommodation from those who have no such scruples; and who are compelled to charge the honest borrowers a higher rate of interest, in order to make up for what probably may be lost by dishonest ones in legal subterfuges. In this country, no law should find a place on our statute books not sustained by public opinion and the highest sense of commercial and individual honor. The system of trammeling the use of money is but a relic of the barbarous ages, unsustained by reason or justice; and by daily evasion, a dead letter in a great degree—serving only to embarrass the free exercise of judgment and discretion in one's business relations, and of advantage only to dishonest debtors. The necessity of a legal rate of interest on debts contracted without any agreements as to interest, is, of course, admitted; but, in the judgment of our best commercial writers and men, the system of usury laws, if intended for the protection of borrowers, defeats its intended purpose.

The toleration of the sale of lottery tickets, or the permission of that species of gambling, has a most pernicious influence upon the public morals and the pecuniary interest of the people of the State. The desire for the acquisition of sudden wealth, proposed to be gratified by these gambling concerns, is so captivating and alluring, that but few resist it. It has been the misfortune of Alabama, for a commendable and charitable purpose, to tolerate one lottery. The result has been such as not to justify a repetition of the experiment. By a decision of the supreme court, it appears that the present statute against the sale of lottery tickets, is not broad enough to secure the end proposed. An amendment of the law on that subject is, therefore, recommended.

The school law, which was adopted as an experiment, inaugurating a scheme of free education, needs amendment and modification, and a simplification of its machinery. It appears to me that the expense of a county superintendent might be avoided by constituting the probate judge and the county commissioners, in the several counties, as a body, to act in place of that officer. The appropriation should be applied more on the principle of equity amongst the scholars throughout the State. Severe scrutiny should be exercised in regard to the use of unsound textbooks, in every school in the State. Unfortunately, as yet, our school books and teachers are imported from a community in which the prejudices of ignorance and fanaticism, on subjects of



vital importance to us, are propagated. By a prohibition of all books inculcating improper sentiments to be taught in the South, we may soon insure the possession of text-books, the works of our citizens; and build up institutions of learning among us, where the unwholesome heresies of fanaticism will not be inculcated in the minds of youth. It is believed that the cause of education, both in common schools and the higher institutions of learning, is now in a more promising condition than at any period of our history. It is greatly to be desired, by every patriotic citizen, that the time will soon come when the youth of the South will receive their education through our schools and colleges at home, and wholly cease to patronize the hot-beds of bigotry and abolitionism, now sustained by southerners, to their own shame.

The act approved the 13th of February, 1856, requiring the circuit court judges to rotate throughout the State, was approved in deference to the opinions of legal gentlemen; but experience has shown that the act is by no means a good one. At the present compensation, it is an unreasonable increase of labor and expense upon the judges—taking them for a much longer period from their families, and deducting largely from the means of their support. Practically, the act annuls the constitutional provision, that each circuit shall elect its own judge; for, by its provision, the people of each circuit elect a judge for all the circuits as much, or more, than for themselves. Without assuming that the present system is, by any means, the best that has been devised, it is but just that those who elect judicial officers of the highest attainments should have the benefit of such selection, and the contrary.

The want of a proper military spirit, and the absence of any general organization throughout the State, are lamentable facts, the correction of which is a matter demanding the considerate action of the Legislative body. The long enjoyment of peace, and too high a degree of confidence in our military capacities and resources, have rendered us indifferent to that cultivation and training in the military art, which every free people should be solicitous to cherish and keep alive in the hearts of the young men of the Republic. The times are not yet, when “the nations of the earth shall have war no more;” though such would seem to be the conclusion by the people of this State, and some others, where it is most important that a strict military organization should be kept up. Save the few volunteer companies, the military system of the State is a matter of ridicule, unworthy the name of an organization. The whole system should be abolished, and a plan of volunteer organization inaugurated in every

county in the State, which would become a nucleus around which, in case of necessity, the militia of the State could be soon rallied. Under the present order of militia affairs, we lose annually a large amount of public arms that the State is entitled to from the federal arsenals. No full and regular report is made of the strength of the militia. Some mode, differing from the present, should be adopted for that purpose. By making it the duty of the tax assessors to make a list of all persons liable to be enrolled for military service, the evil might, perhaps, to a great degree be corrected. The condition of the public arms is such as to require some legislation on the subject. The arms are scattered over the State—in many cases in so exposed a condition as to be liable to be lost, or to fall into the hands of improper persons. A State arsenal should be constructed, or procured, at, or near the seat of government, and it made the duty of the quarter master general to have collected, and put in good order, every piece of the public arms belonging to the State, not in the hands of a regularly organized military company.

It is a matter of regret, that cases of popular execution, without the forms of law, have occurred in the State, of late years, which cannot be reconciled with any principle of reason or propriety—assuming more the character of passion and violence, than the austere execution of deliberate, public justice. The frequency of such summary administrations of punishment, no matter how well merited, is calculated to bring the authority of the law into contempt.

The people having refused to call a convention to remodel the Constitution, or to form a new one, the duty devolves on you, by the slower process of amendment, to correct the present incongruous Constitution—made so by amendments heretofore made to it—and to remedy its defects and omissions. I conceive the legal intelligence of the legislature will find but little difficulty in reconciling conflicting parts, and supplying clauses that are imperatively demanded, and submitting the same, in a plain proposition to the people for ratification.

It will be seen by the report of the inspectors of the penitentiary, that the health of the convicts has been good. The prison has now as many convicts as there are cells; but a portion of these convicts are females, confined in a separate part of the building, not in cells, and a considerable number are necessarily in the hospital—so that any deficiency of cells is more apparent than real. A large number of United States convicts, committed for riot or mutiny on merchant vessels, and not for a long duration, will relieve the prison soon by expiration of the time for which they have been sentenced. Too much of the room of the

prison has been taken up by conflicts of this character, for offences not committed on the soil. The financial affairs of the State are not such as to invite the expenditure of money for the construction of prisons for such purposes. At least, the State, for such expenditure, is entitled to remuneration from the Government of the United States. Considerable sums have been paid by the disbursing officers of the United States Government to the lessees of the penitentiary, without authority of law—and the whole amount so paid is justly due to the State treasury.—The Federal officers have no right to know the lessees, only as employees of the State government. By the terms of the lease of the State prison, the “lessees take the labor of the convicts as full consideration for the lease, without any payment to be made by the State.” [See Code, secs. 3868 and 3940.] The United States convicts are to be received and employed as the State convicts. The policy of hiring so large a body of men, though criminals, to individuals, to be employed as their interests may dictate, is of more than doubtful propriety. It is a virtual abandonment of the idea of reformation urged by the advocates of that system of punishment—with no plea to recommend it, but its supposed economy, in which the ends of public justice are liable to be defeated, by the desire to make money and the practice of favoritism and oppression. The plan was resorted to, to avoid the difficulty of the internal management of the prison, and drafts on the treasury—both of which might have been obviated by the appointment of proper persons as Wardens; and the State authorities have retained entire control of the whole subject, more in consonance with the principles of philanthropy and public justice. The fear of confinement in the penitentiary is not sufficient to deter bad men from the commission of the greatest of crimes. The number of convicts daily increasing in the penitentiaries of the different States, proves that the system is but a poor preventive to the commission of offences—in fact, a failure. Our laws need modification or amendment, or the construction of new prisons. A return to the death penalty, for the worst offences—and a different punishment for the lesser, now punished by sentence to the penitentiary—would relieve the public from supporting numbers of the vicious in institutions of this kind.

The proposition to exempt, to a limited extent, negro property from sale under execution, which has been discussed of late years—and which has received the approval of one of the States of the South most interested in that species of property—is entitled to the gravest consideration of the Southern legislator and statesman. Opposition to such a law originates more from the

peculiarity and novelty of it, than from any sound reasoning against it. The day of timid councils has gone by. Circumstances which surround us; the whole aspect of the political and economical affairs of our country, demand bold and decided action. The highest conservatism is often found in the most prompt and decisive measures. The continued prosperity of the South will be greatly advanced by the more diffuse distribution of slave property. By the exemption of one slave, at least, from the process of the law, and her increase, if female, the investment of money in that kind of property will be preferred to all others. The ownership of slaves will become more general; the benefits of the institution more generally felt, acknowledged, and defended. In a political point of view, the advantages are too apparent to need illustration by argument. As a measure of policy, by which the individual prosperity of the citizen is to be promoted, it affords a more secure investment to the person just struggling to rise, than any that has been presented; safer than stocks, which may depreciate, and more than productive than lands. It becomes so identified with the owner, that it is the last to be alienated. Experience teaches us that when a family, before indigent circumstances, once becomes possessors of this kind of property, the regular progression to wealth is uninterrupted—acting as a wholesome incentive to further industry and economy. In a philanthropic point of view, it recommends itself in an eminent degree. By the distribution of slaves into a greater number of white families, the direct contact of the owners and owned is increased, mutual attachments thereby formed, and the personal comfort and happiness of the slave secured, both in his home and its permanency. As a matter of domestic obligation to families, it is demanded. The drudgery of the household is more destructive to the health of Southern women than in countries where slavery does not exist. Objections may be urged to the passage of such a law by a belief that it will affect the rights of creditors—an objection of equal force against all other laws for the protection of families. The law would, of course, be prospective in its operations. That it may affect the credit system, to a certain extent, is really no objection, but a recommendation. The facility with which debts may be contracted, is a great injury to the happiness and prosperity of our people. The effect of such a provision cannot be otherwise than wholesome in all its details.

To the citizen who has been observant of the character of the legislation of the State, it is a matter of surprise and regret to see that the large proportion of enactments consist of special, local, and class legislation, of no general importance to the coun-

try ; and that in the voluminous acts of the last few years, with the exception of the Code—which is but a re-enactment of previous statutes, with some modifications, so little can be found, calculated to benefit the people at large, or to reflect credit upon those engaged in the responsible duties of legislation. Hundreds of pages of acts for every variety of incorporation, the existence of which is never realized beyond the statute books, are to be found ; and legislative pardons and special privileges, wholly without constitutional authority and of doubtful propriety. Having been so unfortunate as to be compelled, from a sense of official duty, to dissent from so much of the legislation of this character, I hope whatever of the kind may be considered necessary, may be reserved for the consideration of the worthy citizen who is soon to assume the responsibilities of this department.

I am unable to report any progress in the suit, in the supreme court of the United States, for the purpose of establishing the line between this State and the State of Georgia.

Since the adjournment of the Legislature, important political events have transpired in many parts of the world. The desolation of war, in one portion, has subsided into the quiet and blessings of peace. In another portion, the most cruel war is now carried on with the most sanguinary fury. Our extensive commercial relations, with the most remote parts of the world, cause us, of course, to be sensibly affected thereby.

The administration of the affairs of the Federal Government has passed from the hands of one Chief Magistrate to those of another ; and though this has been peacefully done, the demonstration of public sentiment was such as to excite the most lively apprehension in the minds of those who hope for a peaceful continuance of the constitutional Union of the States. Whilst the people of the South rejoice at the defeat of that party which is warring upon the constitutional rights of the States, we cannot but be mindful of the fact that the division of parties, is daily assuming a more sectional character—unfavorable to the constitutional equality of the States composing the Federal Union, and of the Union itself. In the election of the present Chief Magistrate, we have a guarantee that the constitutional rights of every section of the Union will be respected. In a spirit of public justice, it becomes us to await the developments of time, before we hasten to declare a want of that confidence which placed him in the high and responsible position which he now fills. Should that confidence prove to have been misplaced, it will but be the hastening of a political crisis, which many of the most faithful and watchful patriots believe to be “ but a question

of time:" and the duty, so long and often avoided by concession and compromise, be upon us, of electing, for ourselves, and posterity, the high and independent position of independent and sovereign States—or to renounce all pretensions to the character of a brave and manly people, and basely and tamely submit to the tender mercies of northern caprice and fanaticism. Unfortunately it is a weakness of our nature to put off the consideration of disagreeable subjects—though the end appears inevitable, and the necessity of finally meeting the difficulty, imperative. The agitation of the question of slavery by the people of the Northern States—properly having no business with the matter—though it has been regularly progressive, and has grown to a threatening importance—has not been without advantages to the people of the South, and to the enlightenment of the civilized world. The time was but recent, when the Southern statesman only made apologies for the existence of such a state of political affairs, and declared that he could offer no corrective. Now, however, since agitation has caused a thorough investigation of the subject, the institution is defended and upheld most successfully upon political, social, moral, and religious grounds. It is shown not only to be the best condition of society, where it can be maintained, but that it is absolutely essential to the development of the rich resources of tropical climes, and the advancement of the trade and commerce of the world. Even in England, where fanaticism has so long ruled the policy of the government on this question, a great change of public sentiment has taken place, if we are to judge from the resolutions and proceedings of great commercial conventions held in Manchester and Liverpool, during the present year, and the editorials of the *London Times*. This journal, not only unequivocally condemns the system which abrogated slavery in the British West India possessions, but advocates a return thereto, and the establishment of some such system in the East India possessions, by the transportation thither of African labor. So great has become the necessities of the world for cotton alone—which can only be produced, to any considerable extent, by slave labor, and in Southern climes—that the suspension of involuntary servitude, for a single year only, would cause convulsions in all the governments of the civilized world, the disastrous results of which, it would be beyond human ken to foresee. It is only necessary for us to be true to ourselves, to preserve our institutions, and to be a great and prosperous people. The Union is not with us of the South, "a paramount political good," however much we may, and do, desire its continuance under a strict adherence to constitutional provisions and guarantees. When these can no

longer be maintained—or when further aggression upon, or denial of our rights is practiced by a dominant political power at the North—we have everything to gain, and nothing to lose, “by disrupting every tie” that binds us to the Confederacy.

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Since writing the body of this communication, the country has experienced one of those pecuniary revulsions, the natural consequence of an inflated paper currency. We now realize the force and correctness of the reasons urged by the statesmen of the past, in opposition to a general system of paper money. The admonitions of wisdom, and the disastrous experience of the past have alike failed to save us from the pecuniary disaster and ruin which have come upon the country. Sooner or later the inherent defects of banking must inevitably produce the same results. The bright expectations held out by the interested projectors of banks, supported by subsidized presses, now, as in all past time, prove the veriest delusions. All classes are the sufferers, in some degree, for the folly and wickedness of the projectors and managers of the scheme. Two of the banks, chartered by the State, have failed to comply with the terms of their charters, and refuse to redeem their bank notes in coin. While I fully acknowledge the unsoundness of a general system of banking, I am not prepared to advise extreme measures against these banks, which have only done that which sensible men must have expected them to do in emergencies like the present. I conceive it to be the duty of the Legislature, however, to require a resumption of specie payments at some early period—not later than May, 1858. I cannot refrain from impressing the necessity of so amending the bank charters, as to prohibit the issue of bills of a less denomination than five dollars, and the circulation of bills of foreign banks of a less amount. We owe it to that portion of our fellow citizens of the State, who do not handle large bills, to protect them from the imposition of a small note currency. Banks, it is said, are necessary for commercial transactions. If so, commerce does not require the use of such small notes as are now issued, and which drive out of common circulation the smaller coins—the want of which is now so seriously oppressive to the smaller dealer, and in all light transactions of daily occurrence.

Owing to the derangement of the finances, the Mobile and Ohio Railroad company has not paid the installment which was required of it at this time. Believing the true interest of the State would not be advanced by a resort to coercive measures at

this time, I have not enforced the last remedy. I am of the opinion that the general good will be promoted by permitting the company to pay up the debt in short installments, until the whole amount is liquidated.

I know of no important measure of legislation that will be required at your hands, which will long detain you from the enjoyment of the more pleasant relations of private life. In a few days my connection with the legislation of the State will come to a close. It has been my fortune, in much of the legislation of the last four years, to differ with the legislative department. I endeavored to discharge my duty to the people of Alabama conscientiously, and have yet seen no cause to believe my course was injurious to the general welfare. With a lasting sense of gratitude to the people of the State, for the kindness and confidence they have ever extended to me, I shall retire from the obligations of official position.

Respectfully,

JOHN A. WINSTON.

Mr. Brown, of Marion, moved to dispense with the further reading of the Governor's message, and that 5,000 copies of the same be printed for the use of the House.

Mr. Powell moved to amend, by printing 10,000 copies; which motion was accepted by Mr. Brown.

Mr. Smith, of Lauderdale, called for a division of the question.

The question was then upon the motion of Mr. Brown, to dispense with the reading; which was lost; and then upon the motion to print 10,000, which was lost.

Mr. Brown, of Marion, renewed his motion to print 15,000 copies.

Mr. Bulger moved to amend by 8,000.

Mr. Brown accepted of the amendment.

Mr. Jones called for a division of the question; and the motion to print, prevailed.

The question then recurred upon printing 8,000 copies; which was lost.

Mr. Brown, of Marion, renewed his original motion to print 5,000 copies of the message; which motion prevailed.

Mr. Jones introduced the following resolution; which was adopted:

*Resolved*, That with the concurrence of the Senate, the two Houses will meet in joint convention, in the Hall of the House of Representatives, on to-morrow, at 11 o'clock, A. M., for the purpose of counting the votes and declaring the election of Governor, holden on the first Monday in August last."



Which was ordered to be forthwith sent to the Senate.

And, on motion, the House adjourned until 10 o'clock, to-morrow.

WEDNESDAY, Nov. 11th, 1857

House met pursuant to adjournment.

The journal was read, and approved.

Mr. Speaker laid before the House sundry records of divorce; which were referred to committee on Divorce and Alimony, when raised.

Also, the report (biennial) of the state treasurer; which,

On motion of Mr. Powell, was ordered to lay on the table, and print 5,000 for the use of the House.

Mr. Dillard moved to print 2,500 copies.

The question was taken first on Mr. Powell's motion; which prevailed.

Also, the report of the comptroller of public accounts; which,

On motion of Mr. Staton, was ordered to lay on the table, and print 5,000 copies for the use of the House.

#### CALL OF THE COUNTIES.

Bills were introduced by:

Mr. Clayton: to prevent attorneys from collecting fees in certain cases.

Mr. Clayton: to repeal the usury laws.

Mr. Parker: to provide for the location of the court-house in the county of Bibb.

Mr. Stiff: to repeal an act to amend the road laws in Cherokee county, approved 2d February, 1856.

Mr. Brewer: to provide for the election of county treasurer of Coosa county by the people.

Mr. Register: to amend section 2767 of the Code.

Mr. Coleman: to allow the constable of Fayette county certain privileges therein expressed.

Mr. Huckabee: to prevent the levy of an execution on a growing crop.

Mr. Huckabee: in regard to the administration of oaths.

Mr. Hale: to prescribe the duties, rights and liabilities of general administrators, when they resign their office.

Mr. Hale: amendatory of proceedings in chancery.

Mr. Hale: to improve the mode of taking testimony in chancery.

Mr. Hale: concerning registers in chancery.

Mr. Little: to amend section 1065 of the Code of Alabama.

Mr. Echols: to repeal section 2257 of the Code.

Mr. Jones: to repeal an act therein named.

Mr. Jones: to exempt salaries and wages from process of attachment or garnishment.

Mr. Herndon: to repeal an act to make the circuit court judges rotate throughout the State, and for other purposes.

Mr. Herndon: to incorporate the Mobile Omnibus company.

Mr. Herndon: to amend the charter of the Mobile Steamship company, and the act to provide for the incorporation of steamship companies.

Mr. Nabors: to prohibit the circulation of bank bills of the denomination of five dollars and under, issued without authority of this State.

Mr. Aldridge: for the relief of Mathew W. Glass, of Russell county.

Mr. Remson: to provide for binding the manuscript acts of the legislature.

Mr. Bell, of Talladega: To elect the county surveyer of Talladega county by the voters of said county.

Mr. Bulger: to repeal in part an act therein named.

Mr. Bulger: to prevent malicious prosecutions; which were severally read, and ordered to a second reading.

Mr. Hale: a bill requiring the Governor to reside at the capitol, and fixing his salary; which was read.

Mr. Irby moved to suspend the constitutional rule, to allow the bill to be read a second time forthwith.

Lost.

The bill was then ordered to a second reading.

Mr. Jones: a bill, with a petition, to emancipate a certain slave named Daphne.

The bill was read, and ordered to a second reading.

The petition was referred to committee on Propositions and Grievances, when raised.

Mr. Jones presented the memorial of the Mobile and Ohio Railroad company; which was referred to committee on Internal Improvements, when raised.

Mr. Herndon presented the petition of sundry citizens of Mobile, in regard to the rotating system of judges throughout the State, which was referred to the committee on Judiciary, when raised.

Mr. Molton introduced a bill to authorize Jno. G. Stokes to practice law in this State; which was read.

Mr. Molton moved to suspend the constitutional rule, so as to give the bill a second reading forthwith; which was lost.

The bill was then ordered to a second reading.

Mr. Houston presented the account of G. B. Saunders; also, Joshua Lyon; which were severally referred to committee on Accounts, when raised.

Mr. Smith, of Coosa, presented the petition of Martha C. Grigsby; which was ordered to be referred to committee on Propositions and Grievances, when raised.

Message from the Senate, by Mr. Brittan :

Mr. Speaker: The Senate concurs in the resolution of the House, proposing that the two Houses assemble in the Hall of the House this day, at 11 o'clock, for the purpose of counting the votes, and declaring the election for Governor, held first Monday in August.

Mr. Irby, from select and joint committee of the Senate and House, made the following report :

That the committee has adopted, for the government of each House, the following rules; which report was concurred in.

#### R U L E S .

The committee of the House, appointed to confer with a like committee on the part of the Senate, for the adoption of rules for the government of the two Houses when in joint convention, has discharged its duty, and instructs me to report the following as having been agreed to by the joint committees :

1. When a message shall be sent from the Senate to the House of Representatives, it shall be forthwith announced by the doorkeeper, at the door of the House, and shall be respectfully communicated to the Chair by the bearer thereof, except the House is taking a question; and the same ceremony shall be observed when a message is sent from the House of Representatives to the Senate.

2. While bills are on their passage between the two Houses, they shall be under the signature of the secretary or clerk of each House respectively.

3. After a bill shall have passed both Houses, it shall be duly enrolled by the clerk of the House of Representatives, or secretary of the Senate, as the bill may have originated in one or the other House, before it shall be presented for signature.

4. When a bill or resolution shall have passed in one House, is rejected in the other, notice thereof shall be given to the House in which the same shall have passed.

5. When the Senate assemble in the Hall of the House of Representatives, the President of the Senate shall take his seat on the left of the Speaker of the House, and the senators shall seat themselves in chairs to be provided for the purpose, imme-

diately in front of the inner row of desks of the Hall of the House.

6. No senator shall, during, a joint vote of the two Houses, intermix with the representatives, nor shall the representatives intermix with the senators.

7. Each senator and representative shall answer from his seat when his name is called in order by the secretary of the Senate or clerk of the House, and any senator or representative who shall fail or refuse to vote when his name is called, shall be considered as having waived his right to vote, and shall not afterwards be allowed to do so.

8. No senator or representative shall approach the clerk's table during the time the Senate is in the House.

9. The President of the Senate shall preserve order among the senators in the same manner as if the Senate were in session in the senate chamber; and the Speaker of the House shall keep and preserve order among the representatives, as he would were the Senate not present.

10. In every case of amendments of a bill agreed to in one House and dissented to in the other, if either House shall request a conference, and appoint a committee to confer, such committee shall, at a convenient hour to be agreed on by their chairman, meet in the conference chamber, and state to each other, verbally or in writing, as either shall choose, the reason of their respective Houses for and against the amendment, and confer fully thereon.

11. When the two Houses are in session, for the purpose of an election or otherwise, the President of the Senate, as to questions of adjournment, shall be regarded as the presiding officer; and a motion for adjournment may be put by either senator or representative, and a majority of the Senate and House shall determine it without debate.

Mr. Smith, of Lauderdale, introduced the following resolution; which was adopted:

*Resolved*, That the Senate be now invited into the hall of the House of Representatives, for the purpose of counting the votes cast at August election, in 1857, for Governor.

Mr. Powell, from select committee, appointed to wait on the various ministers of the gospel in this city, and request them to open the exercises of this House, each day by prayer, have performed that duty, and obtained their consent to comply with the request of the House, and that one of them will be in attendance to-morrow morning.

Mr. Walden moved to take up the Senate message, which motion prevailed.

Pending the reading of the message, the door-keeper announced the Senate, when the two Houses, in joint convention, proceeded to count the votes for Governor of the State of Alabama, for the ensuing term, when it appeared from the official returns that the following votes had been polled in the following counties :

COUNTIES.	A.B. Moore.	Scattering.
Autauga .....	811	61
Barbour .....	1,142	187
Baldwin .....	239	2
Benton .....	2,074	39
Bibb .....	681	72
Blount .....	757	...
Butler .....	590	...
Chambers .....	1,111	...
Cherokee .....	1,305	...
Choctaw .....	613	77
Clarke .....	....	...
Covington .....	....	...
Coffee .....	566	1
Conecuh .....	435	5
Coosa .....	1,100	...
Dallas .....	896	164
Dale .....	886	...
DeKalb .....	....	...
Fayette .....	678	...
Franklin .....	554	...
Greene .....	1,032	106
Hancock .....	187	...
Henry .....	784	...
Jackson .....	....	...
Jefferson .....	788	...
Lauderdale .....	1,206	221
Lawrence .....	687	71
Limestone .....	909	50
Lowndes .....	793	33
Macon .....	....	...

COUNTIES.	A. B. Moore.	Scattering.
Madison.....	1,465	209
Marshall.....	733	4
Marengo.....	775	46
Marion.....	.....	.....
Mobile.....	1,762	84
Monroe.....	511	.....
Montgomery.....	1,137	114
Morgan.....	.....	.....
Perry.....	1,189	84
Pickens.....	1,467	130
Pike.....	1,354	149
Randolph.....	1,253	.....
Russell.....	859	4
Shelby.....	1,081	86
St. Clair.....	980	.....
Sumter.....	755	153
Talladega.....	1,242	183
Tallapoosa.....	1,602	.....
Tuskaloosa.....	1,510	110
Walker.....	369	17
Washington.....	235	.....
Wilcox.....	768	11
Total.....	41,871	2,447

There were no returns from the counties of Clarke, Covington, DeKalb, Jackson, Marion and Morgan.

It appears from the official returns that Andrew B. Moore, had received a majority of all the votes cast, Mr. Speaker declared him to have been duly and constitutionally elected Governor of the State of Alabama, for the term prescribed by the Constitution.

The Senate then withdrew from the Hall of the House:

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the

#### ORDERS OF THE DAY.

The bill to authorize the joinder of causes of action in certain cases;

To amend section 1182 of the Code;

To give to the records of the probate court in certain cases, the same effect as are by law given to the records of courts of general jurisdiction.

To amend section 2462 of the Code, were severally read the second time, and referred to the committee on the Judiciary, when raised.

Joint resolutions in regard to divorces was read the second time, and referred to the Judiciary committee, when raised.

The bill to incorporate the Pickens Insurance company, was read the second time, and referred to the committee on Corporations, when raised.

The bill to incorporate the Western Bank of Alabama, was read the second time, and referred to the committee on Banks and Banking, when raised.

Mr. Jones introduced the following resolution, which was adopted :

*Resolved*, That a committee of three be appointed on the part of the House, to act with a like committee on the part of the Senate, to inform the Hon. Andrew B. Moore of his election to the office of Governor, and to enquire when it will be his pleasure to take the oath of office.

Messrs. Jones, Smith of Lauderdale, and Powell, were appointed said committee; and on motion the resolution was forthwith sent to the Senate.

Mr. Morgan introduced the following resolutions, which were adopted :

*Resolved*, That so much of the Governor's message as relates to burning the bank notes of the State Bank and Branches, and closing the said banks, be referred to the committee on State Bank and Branches, when raised.

*Resolved*, That so much as relates to the payment of foreign interest and redemption of outstanding bonds, be referred to the committee on Finance.

*Resolved*, That so much as relates to the chartered banks of this State, the suspension of specie payments, prohibiting the issuing and circulation of all bills under five dollars; also, insurance companies becoming the agencies of foreign banks, be referred to the committee on Banks and Banking.

*Resolved*, That so much as relates to the modification of the usury laws and the sale of lottery tickets, be referred to the committee on the Judiciary.

*Resolved*, That so much as relates to the amendments and modifications of the school law, be referred to the committee on Education.

*Resolved*, That so much as relates to the act of 13th February, 1856, requiring the circuit court judges to rotate, be referred to the committee on the Judiciary.

*Resolved*, That so much as relates to the military laws, the condition of the public arms, and the establishment of a State arsenal, be referred to the committee on Military Affairs.

*Resolved*; That so much as relates to amendments to the Constitution, be referred to the committee on the Judiciary.

*Resolved*, That so much as relates to the penitentiary, be referred to the committee on the Penitentiary.

*Resolved*, That so much as relates to the exemption of negro property from sale under execution, be referred to the committee on the Judiciary.

*Resolved*, That so much as relates to unnecessary legislation, be referred to the committee on Propositions and Grievances.

*Resolved*, That so much as relates to federal relations and slavery, be referred to the committee on Federal Relations.

Mr. Lesueur moved to take up the Senate's message and bill, to extend the Fall term, 1857, of the circuit court of Marengo.

Mr. Walden moved to amend said motion, by considering the entire message, which motion prevailed.

Message from the Senate.

The Senate has adopted the following resolution :

*Resolved*, That the Senate appoint a committee of two to act with a like committee on the part of the House, whose duty it shall be to state an account between the State of Alabama and the two and three per cent. fund, which accounts shall show the amounts received, and the time when received, also, any and what disposition has been made of any portion of said fund, and report the same to their respective bodies; and has appointed

Messrs. Storrs and Clitherall said committee on the part of the Senate.

The House concurred in the resolution, and appointed Messrs. Walden and Pennington said committee.

*Resolved*, That in pursuance of section 34 of the Code, the president appoint a committee of three, to act with a like committee of the House, to examine the offices of comptroller and treasurer.

Messrs. Patton, Storrs and Jones, of Greene, constitute said committee on the part of the Senate.

The House concurred in the resolution, and appointed Messrs. Caldwell, Hale and Wood, committee on the part of the House.

The Senate has also passed a bill to extend the Fall term, 1857, of the circuit court of Marengo; which was read, and,



under a suspension of the constitutional rule, was read the second and third times forthwith, and passed.

The Senate has also adopted the following resolution :

*Resolved*, That a committee of three be appointed to act with a like committee on the part of the House, to report rules for the government of the two Houses while in convention.

In pursuance of which, Messrs. Rowe, Rather and Storrs, were appointed.

On motion the House adjourned until to-morrow morning, 10 o'clock.

THURSDAY, November 12th, 1857.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Dorman.

The journal was read and approved.

The Speaker laid before the House sundry records of divorce ; which, on motion, were referred to the committee on Divorce and Alimony.

Call of counties for bills and petitions :

Mr. Clayton presented the petition of John W. Clarke, of Barbour county ; which was referred to the committee on Propositions and Grievances.

Mr. Caldwell introduced a bill to accept of the grant and carry into execution the trust conferred upon the State of Alabama, by an act of Congress, entitled an act "granting public lands in alternate sections to the State of Alabama, to aid in the construction of certain railroads in said State, approved 3d of June, 1856; which was read the first time and ordered to a second reading.

Mr. Brown moved to reconsider the vote just ordering the bill to a second reading, and the House refused to reconsider.

Bills were introduced by :

Mr. Edwards : to divide the county of Blount into four commissioners' districts ;

Mr. Warren : to allow Coffee county two weeks for their circuit court ;

Mr. Brewer ; to regulate the time of holding the circuit courts of the 1st judicial circuit ;

Mr. Brewer : to render a decree of divorce a final dissolution of the marriage relations existing between the parties so obtaining it ;

Mr. Holly : to declare Alford Hodges a citizen of Covington county ;

Mr. Holly : to extend the Fall term of the circuit court of Covington county ;

Mr. Bennett : to establish annual sessions of the legislature of

Alabama, and fixing the commencement and limiting the time thereof;

Mr. Register: to consolidate the office of tax collector and assessor for the county of Dale;

Mr. Huckabee: to elect a county treasurer for Greene county;

Mr. Brock: to provide for the pay of jurors in the county of Fayette;

Mr. Murphy, of Henry: to repeal an act amending the road law in Henry county;

Mr. Little: to elect county surveyor and treasurer of Hancock county by the people;

Mr. Wood: to regulate the chancery courts for the counties of Franklin, Lauderdale, Lawrence and Hancock, with a petition;

Mr. Wood: to change the time of holding the circuit courts in the fourth judicial circuit of the State of Alabama;

Mr. Clarke: to enable defendants in certain cases;

Mr. Flournoy: to repeal section 3617 of the Code;

Mr. Griffin: to regulate the registration of claims against the county of Marshall;

Mr. Lesueur: to amend the attachment laws of this State;

Mr. Brown, of Marion: to consolidate the offices of tax assessor and tax collector in the county of Marion;

Mr. Brown, of Marion; to amend and repeal, in part, an act therein named;

Mr. Jones: to amend the law in relation to sales of cotton by factors, in the city of Mobile;

Mr. Herndon: to amend an act therein named;

Mr. Drummond: to extend the lien of attorneys and solicitors.

Mr. Richardson, of Monroe: to divorce certain persons therein named;

Mr. Johnston, of Perry: to amend section 1033 of the Code;

Mr. Neal: to extend the provisions of an act therein expressed;

Mr. Aldridge: to compel appellants from justices courts, to pay all costs in said suits;

Mr. Murphree, of Pike: to repeal an act in relation to justice courts, approved February 5th, 1857;

Mr. Herndon: to change the time of holding the circuit courts of Jefferson and St. Clair, and extending the time for the county of St. Clair;

Mr. Houston: for the relief of executors, administrators and guardians;

Mr. Martin, of Talladega: to amend section 3992 of the Code in reference to the fees of plaintiffs in criminal cases ;

Mr. Martin, of Talladega: to regulate appeals from probate courts ;

Mr. Remson: to authorize George P. Brown to practice law in the several counties in this State ;

Mr. Johnston, of Tallapoosa: to suppress gaming :

Mr. Bulger: to prevent fraud in drawing grand jurors ;

Mr. Brown, of Tuscaloosa: joint resolutions designating the application of certain lands granted by Congress to the State of Alabama ;

Which bills and joint resolution were severally read the first time, and ordered to a second reading.

Mr. Pynes presented the account of Thomas Armstrong: which was referred to committee on Accounts, when raised.

Joint resolutions instructing tax collectors to receive the notes of all the chartered banks of this State in payment of State and county taxes, was read ; and

Mr. Griffin moved to suspend constitutional rule, so as to read the joint resolutions a second time forthwith ; which motion did not prevail.

The joint resolution was ordered to a second reading.

Mr. Allen introduced the following resolution :

*Resolved*, That on to-morrow, at 12 o'clock, the members of this House shall draw for seats in this hall.

*Be it further resolved*, That the clerk by that hour, make numbers from one to one hundred, and put them in one hat, and the names of members into another hat, and the door-keeper shall draw first from the hat containing the numbers and another from the hat containing the names, and the name drawn immediately after number one shall have first choice, and so on to the end.

Which resolution the House, on motion of Mr. Clarke, laid on the table.

Mr. Jones, from special committee, to wait on Hon. Andrew B. Moore and inform him of his election to the office of Governor of this State, and enquire when it will be his pleasure to take the oath of office, report :

That they have discharged the duty conferred to them, and that the Hon. A. B. Moore informed them that he will take the oath of office, as Governor, on Tuesday, the 1st day of December next.

On motion, the report was ordered to lay on the table, and the committee discharged.

Mr. Remson introduced the following resolution ; which, on

motion of Mr. Mabry, was referred to committee on Banks and Banking, when raised :

*Resolved*, That a committee of three be appointed by the House to act with a like committee on the part of the Senate, to ascertain from the president and directors of the Central Bank of this State, if they are prepared to fulfill the requirements of rule 2d in section 16, requiring them to procure, and always keep on hand, gold and silver, in proportion of not less than one-fourth of the amount of the bills it shall have in circulation, and if withdrawn have them procured to replace the deficiency.

Message from the Senate :

Mr. Speaker : The Senate has adopted the following resolution :

*Resolved*, That Wm. S. Cain be appointed engrossing secretary of the Senate for the present session.

Mr. Hammonds called up the resolution introduced by himself on Tuesday ; when

Mr. Irby moved to refer the resolution to the committee on Printing.

Mr. Dillard moved to lay the resolution on the table ; and the motion prevailed.

Mr. Irby introduced the following resolution ; which was adopted :

*Resolved*, That the committee on the Judiciary be instructed to enquire into the expediency, and report by bills, or otherwise, in case of sickness or other inability of any judge of the circuit court, during the time of the holding of such courts of equity, to such judge, the power to appoint some suitable person to continue to hold the court in his stead ; and, furthermore, if the committee deem this expedient to provide for the proper compensation of such appointee.

Mr. Griffin moved to take up Senate message ; which prevailed.

Mr. Speaker : The Senate has referred a petition of the president and directors of the Mobile and Ohio Railroad, for extension of time for payment of the State loan, to a joint committee of three from each House, and respectfully requests the concurrence of the House.

Messrs. Deas, Clitherall and Rather have been appointed on the part of the Senate.

The Senate concurs in the resolution of the House, to appoint a joint committee to wait on Hon. A. B. Moore, and inform him of his election to the office of Governor, and enquire when it will be his pleasure to take the oath of office.

Messrs. Rather, Jones, of Greene, and Hill, constitute said committee on the part of the Senate.

Mr. Wood, by leave, introduced the bill to extend the right of trial by jury before justices.

Mr. Jones, by leave, introduced a bill to repeal an act entitled an act to authorize the Bank of Mobile, the Southern and Northern Banks of Alabama to issue bills of less denomination than five dollars; which bills were severally read, and ordered to a second reading.

Mr. Houston moved to take up the orders of the day; and the motion prevailed.

#### ORDERS OF THE DAY.

The bill to repeal the usury laws was read the second time; and,

Mr. Bulger moved its reference to the committee on Propositions and Grievances.

Lost.

Mr. Staton then moved its reference to the Judiciary; which motion prevailed.

The bills:

To prevent attorneys collecting fees in certain cases;

To authorize Jno. G. Stokes to practice law in Alabama;

To relieve Mathew W. Glass, of Russell county;

To amend section 1065 of the Code of Alabama;

To prevent the levy of an execution on a growing crop;

To exempt salaries and wages from process of attachment or garnishment;

To prevent malicious prosecutions:

To repeal section 2257 of the Code;

Concerning registers in chancery;

To improve the mode of taking testimony in chancery;

Amendatory of proceedings in chancery;

To prescribe the duties, rights and liabilities of general administrators, when they resign their office;

In regard to the administration of oaths;

Allowing the constables of Fayette county certain privileges therein expressed.

To amend section 2767 of the Code;

Were severally read the second time, and referred to the Judiciary committee, when raised.

The bills:

To provide for the location of the county court of Bibb;

To amend the road law in Cherokee county, &c.;

To repeal in part an act therein named ;

Were severally read the second time, and ordered to be engrossed.

The bills:

To elect the county treasurer of Talladega county by the voters of said county ;

To provide for the election of county treasurer of Coosa county by the people ;

Were severally read the second time, and referred to committee on Privileges and Elections, when raised.

The bill to emancipate a certain slave named Daphne, was read the second time, and referred to committee on Propositions and Grievances.

The bill requiring the Governor to reside at the capitol, and fixing his salary, was read the second time, and referred to a special committee, composed of one from each judicial circuit.

The bill to repeal an act entitled an act to make the circuit court judges rotate throughout the State, and for other purposes, was read the second time, and referred to a special committee of one from each judicial circuit.

The bills:

To incorporate the Mobile Omnibus company ;

To amend the charter of the Mobile Steamship company, and the act to provide for the incorporation of steamship companies ;

Were severally read the second time, and referred to committee on Corporations.

The bills:

To repeal an act therein mentioned ;

To prohibit the circulation of bank bills of the denomination of five dollars and under, issued without authority of this State ;

Were severally read the second time, and referred to committee on Bank and Banking, when raised.

The bill to provide for binding the manuscript acts of the legislature, was read a second time, and referred to committee on Printing, when raised.

Mr. Hobbs introduced the following resolution :

*Resolved,* That a committee of three be appointed, to act with a like committee on the part of the Senate, to take into consideration the propriety of changing the seal of the State of Alabama, with leave to report by bill or otherwise.

Mr. Dillard moved to lay the resolution on the table.

The motion was lost, and the resolution adopted.

Mr. Speaker appointed Messrs. Hobbs, Hale and Clayton said committee.

On motion, House adjourned until 10 o'clock, to-morrow morning.

FRIDAY, Nov. 13th, 1857.

House met pursuant to adjournment.

Prayer by Rev. Mr. Shaver.

The journal was read and approved.

Mr. Powell moved to suspend the call of the counties, to allow him to offer a resolution.

The motion prevailed, and Mr. Powell then offered the following resolution:

*Resolved*, That a committee on the University be added to the standing committees raised by the House on Monday last.

Said resolution was adpted.

Mr. Martin, of Talladega, asked and obtained leave of absence for Mr. Smith, of Coosa.

Mr. Speaker laid before the House sundry records of divorce; which were referred to the committee on Divorce and Alimony.

The Speaker of the House announced the following standing committees, viz:

#### HOUSE COMMITTEES.

*On the Judiciary*—Messrs. Jones, Martin of Talladega, Hale, Wood, Nabors, Brown of Tuskalooza, Scott, Adams and Wright.

*On Ways and Means*—Messrs. Irby, Harris, Smith of Lauderdale, Echols, Williamson, Houston, Smith of Jefferson, Lesueur and McRae.

*On State Bank and Branches*—Messrs. Clayton, Scott, Hernon, Jackson, Smith of Coosa, Nelson, Johnston of Tallapoosa, Pynes and Neal.

*On Privileges and Elections*—Messrs. Griffin, Allen, Warren, Cloud, Boatright, Simpson, Brock, Thompson and Weaver.

*On Military Affairs*—Messrs. Bulger, Griffin, Tally, Flournoy, Murphree of Pike, Denman, Molton, Holly and Reid.

*On Internal Improvements*—Messrs. Caldwell, Bradley, Drummond, Walden, Sheffield, Edwards, Mardis, Jeter and Neal.

*On Education*—Messrs. Hobbs, Caldwell, Brewer, Mabry, Jackson, Cullum, McGhee, Edwards and Flournoy.

*On Propositions and Grievances*—Messrs. Smith of Randolph, Goode, Richardson of Monroe, Murphree of Pike, Baugh, Morgan, Espy, Eustace and Majors.

*On Agriculture*—Messrs. Pynes, Browder, Nelson, Jeter, Thompson, Register, Hale, Eustace and Brock.

*On Accounts and Claims*—Messrs. Staton, Stiff, Parker, Brew-

er, Coleman, Tally, Johnston of Tallapoosa, Scarborough and Holly.

*On Public Printing*—Messrs. Stiff, Bulger, Dillard, Brown of Marion, Baugh, Colbert, Baskins, Cary and Weaver.

*On County Boundaries*—Messrs. Brown of Marion, Reedus, Little, Coleman, Reid, Martin of Dale, Hale, Murphy of Henry and Espy.

*On Enrolled Bills*—Messrs. Williamson, Bell of Talladega, Clarke, Scarborough, McGhee, Hammond, Richardson of Monroe, Bennett, Richardson of Cherokee and Slade.

*On Divorce and Alimony*—Messrs. Nabors, Huckabee, Drummond, Johnston of Perry, Bell of Franklin, Bennett, Wright and Reedus.

*On State Capitol*—Messrs. Dillard, Smith of Coosa, Aldridge, Kennedy, McCall, Scarborough, Simpson, Little and Tally.

*On Corporations*—Messrs. Hale, Hobbs, Mardis, Adams, Bradley, Clarke, Bell of Talladega, Hammonds and Dillard.

*On Federal Relations*—Messrs. Martin of Talladega, Clayton, Irby, Harris, Smith of Lauderdale, Huckabee, Echols, Cullum and Powell.

*On Penitentiary*—Messrs. Allen of Chambers, Calfee, Smith of Jefferson, Lesueur, Sheffield, McCall, Cary, McRae and Murphy of Henry.

*On Sixteenth Section Fund*—Messrs. Pennington, Smith of Randolph, Remson, Tait, McCall, Browder, Richardson of Cherokee, Majors and Colbert.

*On Banks and Banking*—Messrs. Wood, Herndon, Williamson, Pennington, Powell, Remson, Walden, Houston and Mabry.

*On University*—Messrs. Brown of Tuscaloosa, Johnston of Perry, Clarke, Tait, Goode, Richardson of Monroe, Baskins, Morgan and Molton.

*On Roads, Bridges and Ferries*—Messrs. Nelson, Register, Warren, Boatright, Calfee, Slade, Kennedy, Simpson and Cloud.

#### CALL OF THE COUNTIES.

Bills were introduced by :

Mr. Edwards : to declare Elizabeth Gilliland of Blount county, a free dealer ;

Mr. Staton : for the relief of Nicholas Hudson, jailor of Blount county ;

Mr. Staton : for the relief of William Bresseal, of Blount county ;

Mr. Warren : requiring the justices of the peace for the county of Coffee to act as apportioners for said county ;



Mr. Holly: to make Celia Ramer, of the county of Covington, a free dealer;

Mr. Irby: to amend the charter of the town of Cahaba;

Mr. Hale: to incorporate the Eutaw Insurance company;

Mr. Hale: to amend the criminal law in relation to rape, incest and adultery;

Mr. Murphree, of Pike: to incorporate the Lawrenceville Male and Female Academy, in Henry county;

Mr. Cloud: to repeal an act therein named;

Mr. Scott: to authorize Nicholas Lane to practice law in the several courts of this State;

Mr. Brown, of Marion: to repeal an act, approved 5th February, 1856, and for other purposes;

Mr. Molton: to regulate the pay of jurors in Montgomery county;

Mr. Molton: to amend the criminal law;

Mr. Dillard: to provide for taking testimony in criminal cases;

Mr. Walden: to amend section 1136 of the Code;

Mr. Nabors: to amend the patrol law;

Mr. Neal: for the relief of Mechanics;

Mr. Bell, of Talladega: to amend section 1023 of the Code;

Mr. Powell: to alter and amend the law in relation to the settlement of estates of deceased persons;

Mr. Powell: to repeal section 400 of the Code of Alabama; were read the second time, and ordered to a third reading.

Mr. Eustace presented the account of N. R. Elkins; which was referred to the committee on Accounts and Claims.

Mr. Griffin introduced a bill to require the president of the Tennessee and Coosa Railroad to report semi-annually to the Governor; which was read.

Mr. Brown moved to suspend constitutional rule so as to give the bill a second reading; which motion prevailed, and the bill was read the second time forthwith.

Mr. Jones moved to amend by striking out 20th, and inserting 10th; which amendment was adopted, and under a further suspension of the constitutional rule, the bill was read the third time, and passed, and ordered forthwith to the Senate.

Mr. Molton introduced a bill to authorize the probate court of Montgomery county, to take jurisdiction of the estate of John S. Chasper; which bill was read.

Mr. Molton moved to suspend the constitutional rule, so as to give the bill a second reading.

The House refused to suspend, and the bill was ordered to a second reading.

Mr. Murphy, of Henry, offered the following resolution; which was adopted:

*Resolved*, That the Judiciary committee be requested to inquire into the expediency of proposing to the people amendments to the Constitution of this State, so as to enable their legislators to divide, and form new counties of less contents than nine hundred square miles, and report by bill or otherwise.

Mr. Nabors offered the following resolution; which was adopted:

*Resolved*, That the committee on Ways and Means be instructed to enquire into the expediency of bringing in a tax bill, which shall discriminate in favor of merchandise imported from Europe directly to Mobile or other southern ports, and report by bill or otherwise.

Mr. Bulger offered the following resolution; which was adopted:

*Resolved*, That the committee on Ways and Means be instructed to examine into, and report upon the expediency and propriety of reducing the amount of taxes required by existing law; also, the expediency of adopting the *ad valorem* system of assessing the taxes of this State, and report by bill or otherwise.

Mr. Richardson, of Cherokee, offered the following resolution; which was adopted:

*Resolved*, That in addition to the standing committee of the House, the chair shall appoint a committee on the amendments to the Constitution, which committee shall be composed of one member from each judicial circuit in the State, to whom shall be referred all propositions for amendments.

Mr. Hobbs presented the account of A. L. McKinny, sheriff of Limestone county; which was referred to the committee on Accounts.

Mr. Browder offered the following resolution; which was referred to the committee on Banks and Banking:

*Resolved*, That a committee of three be appointed, to act with a like committee on the part of the Senate, to examine into the affairs of the banks of this State, with authority to require from the officers of the banks, a statement under oath of the condition of their affairs, and that this committee shall appoint one of their members from each House to examine the books of the suspended banks.

Mr. Scott introduced joint resolutions declining to accept a certain portion of the grant, and carry into execution the trust, conferred upon the State of Alabama, by an act of Congress entitled an act granting public lands in alternate sections to the

State of Alabama, to aid in the construction of certain railroads in said State, approved June 3d, 1856.

Mr. McGhee introduced a bill to increase the compensation of grand and petit jurors in the county of Lawrence; which bill, and joint resolutions, were severally read, and ordered to a second reading.

Mr. Irby moved to take up the orders of the day; which motion prevailed.

#### ORDERS OF THE DAY.

Engrossed bills:

To repeal in part an act therein named;

To provide for the location of the court house, in the county of Bibb;

To repeal an act to amend the road laws in Cherokee county, approved 2d February, 1856; were severally read the third time, and passed.

The bills:

To repeal an act entitled an act amending the road law in Henry county;

To elect a county treasurer for Greene county;

To divide the county of Blount into four commissioners' districts;

To extend the Fall term of the circuit court of Covington county;

To repeal an act changing the time of holding the circuit courts of Jefferson and St. Clair, and extending the time for the county of St. Clair;

Declaring Alfred Hodges a citizen of Covington county;

To elect the county surveyor and treasurer of Hancock county by the people; were severally read the second time, and ordered to be engrossed.

The bills:

To amend the attachment laws in this State;

To enable defendants in certain cases;

To provide for the pay of jurors in the county of Fayette;

To repeal section 3617 of the Code;

To extend the law of attorneys and solicitors;

To extend the provision of an act therein specified;

To compel appellants in justices' courts to pay all costs in said court;

To repeal an act in relation to justices courts, approved February 5th, 1840;

For the relief of executors, administrators, and guardians;

To amend section 3992 of the Code, in reference to the fees of sheriffs in criminal cases;

To extend the right of trial by jury before justices;

To suppress gaming;

To prevent fraud in drawing grand jurors;

To authorize George P. Brown to practice law in the several courts of this State;

To regulate appeals from probate courts;

To amend section 1033 of the Code; which bills were severally read the second time, and referred to the Judiciary committee.

The bill to render a decree of divorce a final dissolution of the marriage relations existing between the parties so obtaining it, was read the second time.

Mr. Brewer moved to refer the bill to the committee on the Judiciary.

Mr. Clayton: to lay the bill on the table.

Lost.

The bill was then referred to the Judiciary.

The bill to regulate the time of holding the circuit courts of the first judicial circuit, was read the second time; when Mr. Brewer offered the following amendment; which was adopted:

*Be it further enacted,* That all executions, summons, subpoenas, writs and other process, returnable to the circuit courts of the counties composed of said circuit, shall be returnable to the terms of said circuit courts, in accordance with the provisions fixed by this act.

The bill, as amended, was then referred to the Judiciary committee.

The bill to accept of the grant and carry into execution the trust conferred upon the State of Alabama, by an act of Congress entitled an act granting, public lands in alternate sections, to the State of Alabama, to aid in the construction of certain railroads in said State, approved 3d of June, 1856, was read the second time; when Mr. Scott offered the following amendment; which was adopted:

*Provided,* That nothing herein contained shall apply to that portion of said grant of lands, under the said act of Congress, to aid in the construction of the Memphis and Charleston Railroad, which the president and directors of said railroad have officially declined to accept, and notified the Governor thereof, and that from and after the passage of this, all rights and interests of the State, in and to that portion of said grant be extinguished, and again vested in the General Government.

Bill, as amended, was then referred to committee on Internal Improvements.

The bill to establish annual sessions of the legislature of Alabama, and fixing the commencement and limiting the term thereof, was read the second time; when Mr. Caldwell moved to amend as follows:

*Provided*, The qualified voters of the State, at the next August election for county officers, vote in favor of the first section of this bill, and to that end it shall be the duty of the sheriff or officers holding said election, to propound the question to each voter: "Are you in favor of annual or biennial sessions of the legislature?" And it shall be the further duty of said officers to make a true return of the vote, upon the said proposition, to the secretary of state; and if it should appear upon casting up the votes that a majority of the voters of the State be in favor of a return to annual sessions, then all the provisions of this bill to be in full force.

Mr. Hale moved to lay the amendment on the table.

Lost.

Mr. Nabors moved to refer the bill and amendment to the committee on Constitutional Amendments, when raised; which motion prevailed, and the bill was so referred.

The bill to incorporate the Alabama Fire and Marine Insurance company, was read the second time, and referred to committee on Corporations.

The bill to repeal an act entitled an act to authorize the Bank of Mobile, the Southern and Northern Bank of Alabama to issue bills of a less denomination than five dollars, was read the second time, and referred to the committee on Banks and Banking.

The bill to divorce certain persons therein named, was read the second time, and referred to committee on Divorce and Alimony.

The bills:

To consolidate the offices of tax collector and assessor, for the county of Dale;

To consolidate the offices of tax assessor and collector in the county of Marion; and joint resolutions, instructing tax collectors to receive the notes of all the chartered banks of this State, in payment of State and county tax, were severally read the second time, and referred to committee on Ways and Means.

The bill to amend the laws in relation to sales of cotton by factors in the city of Mobile, was read the second time; and, on motion of Mr. Jones, was laid on the table, and 150 copies ordered to be printed.

The bill to amend and repeal, in part, an act therein named, was read.

Mr. Brown moved to suspend constitutional rule to give the bill a third reading forthwith.

Lost.

The bill was then ordered to be engrossed.

The bill to regulate the registration of claims against the county of Marshall, was read the second time.

Mr. Majors moved to amend by adding the county of DeKalb.

The amendment was adopted, and the bill ordered to be engrossed.

The bill to change the time of holding the circuit courts in the fourth judicial circuit, of the State of Alabama, was read the second time, and referred to a special committee of one, from each county comprising said circuit.

Messrs. Wood, Reedus, Bell of Franklin, Clarke and Walden composed said committee.

The bills:

To amend an act therein named, and the joint resolution, designating the application of certain lands granted by Congress to the State of Alabama, were read the second time, and referred to committee on Internal Improvements.

The bill to regulate the chancery courts for the counties of Franklin, Lauderdale, Lawrence and Hancock, was read the second time; and, on motion of Mr. Bell, of Franklin was referred to a select committee of one from each county.

The bill allowing Coffee county two weeks for circuit courts, was read the second time; and, on motion of Mr. Warren, was referred to a select committee of one from each county, in the 5th judicial circuit.

The select committee, to whom was referred the bill in regard to the residence and salary of the Governor, as announced by Mr. Speaker, are Messrs. Hale, Herndon, Martin of Talladega, Wood, Scott, Johnston of Perry, Clayton, Irby and Houston.

The committee, to whom was referred the bill to be entitled an act to repeal an act to make the circuit court judges rotate throughout the State, and for other purposes, as announced by the Speaker, are Messrs. Herndon, Wood, Smith of Randolph, Nabors, Brown of Tuscaloosa, Scott, Murphree of Pike, Johnston of Perry, and Tait.

On motion, the House adjourned until ten o'clock, to-morrow morning.

SATURDAY, November 14th, 1857.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Hill.

The journal of yesterday was read and approved.

Mr. Speaker laid before the House sundry records of divorce; which were referred to the committee on Divorce and Alimony.

Bills were introduced by :

Mr. Browder : to authorize the stay of execution in regard to certain cases, was read the first time.

Mr. Browder moved to suspend constitutional rule.

Lost.

The bill was then ordered to a second reading.

Mr. Browder : to authorize the issuance of attachments in certain cases ;

Mr. Browder : to authorize the execution of civil process by leaving a copy of the same at the residence of the defendant, in certain cases ;

Mr. Cary : to repeal an act therein named, approved January 18, 1845 ;

Mr. Holly : to repeal section 2116 of the Code of Alabama ;

Mr. Holly : to repeal section 3048 of the Code of Alabama, in its application to the county of Covington ;

Mr. Coleman : requiring certain road duties of W. W. Poole ;

Mr. Jackson : to amend section 1537 of the Code of Alabama ;

Mr. Echols : in relation to the assessment and payment of taxes in certain cases ;

Mr. Flournoy : to amend the act to render more efficient the system of free public schools in Alabama ;

Mr. Jones : to amend the act to incorporate the Southern Bank of Alabama ;

Mr. Neal : reducing the fees of judge of probate on annual settlements of executors, administrators and guardians ;

Mr. Boatright : to authorize the people of Pike county, to elect a county surveyor of said county ;

Mr. Smith, of Randolph : for the relief Jas. Scales ;

Mr. Hammonds : to extend the jurisdiction of justices of the peace ;

Mr. Hammonds : to regulate taxes for marriage fees, in St. Clair county ;

Mr. Houston : to incorporate the Livingston Insurance company ;

Mr. Simpson : to cause all suits brought in justices' courts to be docketed at the first term, and to make it lawful for constables to leave a copy of the summons at the usual place of residence ;

Mr. Johnston, of Tallapoosa: to dispense with the reissuing of executions from justices courts; which bills were severally read the first time, and ordered to a second reading.

Mr. Irby: to authorize Regnial H. Dawson, of Dallas county, to practice law in the several courts of this State, was read the first time, and under a suspension of the constitutional rule, read the second time, and referred to the Judiciary committee.

Mr. Smith, of Jefferson: to provide for the payment of jurors in Jefferson county; which was read.

Mr. Smith, of Jefferson, moved to suspend constitutional rule to give the bill a second reading forthwith; which motion was lost.

The bill was then ordered to a second reading.

Mr. Brown, of Marion: to incorporate the Columbus and Tennessee Valley Railroad company.

Mr. Brown, of Marion moved to suspend the constitutional rule, so as to read the bill a second time; which motion was lost.

And the bill was ordered to a second reading.

Mr. Staton presented the account of Geo. Powell;

Mr. Pennington presented the account of C. L. Watson;

Mr. Cary presented the account of George Christian;

Mr. Majors presented the account of Joseph Edwards; which accounts were referred to the committee on Accounts.

#### REPORTS FROM THE JUDICIARY COMMITTEE.

Mr. Jones made the following report:

The committee on the Judiciary, to whom was referred the petition of E. S. Dargan, and other citizens of Mobile, report the same to the House, and recommend that it be referred to the select committee of one from each judicial circuit, to whom a bill on the same subject has been referred.

The report was concurred in.

Mr. Jones, from the same committee, to whom was referred joint resolutions, proposing amendments to the Constitution in regard to divorces, report the same back to the House, and ask its reference to the committee on Amendments to the Constitution.

The report was concurred in.

Mr. Jones, from the same committee, reported adversely to the bill to amend section 2767 of the Code.

Report concurred in.

Mr. Jones, from the same committee, reported adversely to the bill to repeal section 2257 of the Code.

Mr. Coleman moved to lay the report on the table, upon which motion Mr. Flournoy called for the yeas and nays.



Yeas—Messrs. Bulger, Coleman, Echols, Johnson of Tallapoosa, Register, Simpson, Smith of Randolph, and Thompson—8.

Nays—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskalooza, Calfee, Caldwell, Cary, Clarke, Clayton, Cloud, Colbert, Cullum, Denman, Dillard, Drummond, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Hobbs, Holly, Houston, Huckabee, Irby, Jackson, Jeter, Johnston of Perry, Jones, Kennedy, Lesueur, Little, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Sheffield, Slade, Smith of Jefferson, Smith of Lauderdale, Staton, Stiff, Talley, Tait, Walden, Weaver, Williamson, Wood and Wright—86.

The motion to lay on the table was lost.

Mr. Bulger moved to postpone the further consideration of the report and bill, till Saturday, the 21st instant, and make them the special order for 12 o'clock on that day.

Mr. Irby moved to lay the motion on the table; which prevailed.

The question then was upon concurring in the report of the committee, and the yeas and nays were called for.

Yeas—Messrs. Speaker, Adams, Allen, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Brock, Browder, Brown of Tuskalooza, Calfee, Cary, Clarke, Clayton, Colbert, Coleman, Denman, Drummond, Edwards, Espy, Eustace, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Hobbs, Holly, Houston, Huckabee, Irby, Jackson, Jeter, Johnston of Perry, Jones, Kennedy, Lesueur, Little, Mabry, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Murphree of Pike, Nabors, Neal, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Sheffield, Slade, Smith of Jefferson, Smith of Lauderdale, Staton, Stiff, Talley, Tait, Walden, Weaver, Williamson, Wood and Wright—77.

Nays—Messrs. Aldridge, Brown of Marion, Bulger, Cloud, Coleman, Echols, Flournoy, Johnson of Tallapoosa, Majors, Morgan, Murphy of Henry, Register, Simpson, Smith of Randolph, Thompson and Warren—16.

Mr. Martin, from the Judiciary committee, reported favorably

upon the bill to authorize the joinder of causes of action in certain cases, and the bill was then ordered to be engrossed.

Mr. Wright, from the Judiciary committee, to whom was referred the bill to amend section 2462 of the Code, reported adversely thereto.

Mr. Griffin moved to lay the report on the table.

The motion prevailed.

Mr. Hobbs moved to amend by striking out all after the word eighty.

The amendment was adopted, and the bill as amended, was ordered to be engrossed.

The Speaker announced the select committee on Amendments to the Constitution: Messrs. Martin of Talladega, Huckabee, Adams, Johnston of Perry, Bell of Franklin, Richardson of Cherokee, Herndon, Nabors and Clayton.

Mr. Hale, from the Judiciary committee, to whom was referred the bill in regard to the administration of oaths, reported favorably thereto, and the bill was ordered to be engrossed.

Mr. Nabors, from the Judiciary committee, to whom was referred the bill to amend section 1065 of the Code, reported the same back to the House, and recommend its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Adams, from the Judiciary committee, to whom was referred the bill to amend section 1132 of the Code, reported adversely thereto, and the House concurred in the report.

Mr. Powell introduced the following resolution: which was adopted:

*Resolved*, That the committee on the Judiciary be instructed to enquire into the expediency of passing a law to authorize the suing of all the parties to a bill of exchange, whether as maker, acceptor, or endorser in the same action, and report by bill or otherwise.

The Speaker announced the special committee to whom was referred the bill to regulate the chancery courts of Franklin, Lauderdale and Hancock counties: Messrs. Bell of Franklin, Little, McGhee, and Smith, of Lauderdale, composed said committee.

Mr. Martin, of Talladega, introduced joint resolutions proposing amendments to the Constitution; which were read the first time, and ordered to a second reading.

Mr. Jones introduced the following resolution; which was adopted:

*Resolved*, That the committee on the University be instructed to enquire into the expediency of establishing a military profes-

sorship in the University of Alabama, and subjecting the students to military drill and discipline.

Mr. McRae introduced the following resolution; which was adopted:

*Resolved*, That it be referred to the committee on the Judiciary, to enquire into the expediency of amending section 2768 of the Code, by striking out the words, "or of that which the debt was created or cause of action arose."

Mr. Irby moved to take up the Senate message; which motion prevailed.

Mr. Speaker: The Senate has adopted the following resolution:

*Resolved*, That with the concurrence of the House of Representatives, the two houses will assemble in the Hall of the House on Monday the 26th inst., M., for the purpose of electing a solicitor for the 7th judicial circuit to fill the vacancy occasioned by the expiration of the term of services of Alfred E. Vanhouse, Esq., in which the concurrence of the House is requested.

The Senate concurs in the resolution of the House in regard to the seal of the State; Messrs. Lindsay, Rather, and Burnett, composed said committee on the part of the Senate.

The Senate has passed a bill to provide for the pay of jurors in Pickens county.

Mr. Irby moved to concur in the resolution of the Senate just read, pending the consideration of which, the hour of 12 arrived. Mr. Irby then moved to suspend the regular orders to dispose of the resolution, and the motion prevailed.

Mr. Jones moved to amend said resolution, by striking out Monday the 16th, and inserting, Saturday the 21st.

Mr. Smith, of Lauderdale, moved to lay the resolution and amendment on the table.

Lost.

The amendment of Mr. Jones was then adopted, and the resolution as amended, was concurred in.

#### ORDERS OF THE DAY.

The engrossed bills:

To elect the county treasurer and surveyor of Hancock county by the people;

Declaring Alfred Hodges a citizen of Covington county;

To extend the Fall term of the circuit court of Covington county;

To repeal an act entitled an act amending the road law in Henry county;

To repeal an act changing the time of holding the circuit courts of Jefferson and St. Clair, and extending the time for the county of St. Clair; were severally read the third time, and passed.

The bills:

To alter and amend the law in relation to the estates of deceased persons;

To amend section 1023 of the Code;

For the relief of mechanics;

To amend the patrol laws;

To amend section 1136 of the Code;

To provide for taking testimony in civil cases;

To amend the criminal law;

To authorize Nicholas Lane to practice law in the several courts of this State;

To repeal an act therein named;

To repeal section 400 of the Code of Alabama;

To amend the criminal law in relation to rape, incest and adultery; were severally read the second time, and referred to the committee on the Judiciary.

The bills:

To make Celia Ramer, of the county of Covington, a free dealer;

To repeal an act, approved February the 5th, 1856, and for other purposes;

To regulate the pay of jurors in Montgomery county;

To authorize the probate court of Montgomery county to take jurisdiction of the estate of John S. Cessor, deceased;

To increase the pay of grand and petit jurors in the county of Lawrence; were severally read the second time, and ordered to be engrossed for a third reading.

The bill to declare Elizabeth Gilliland of Blount county a free dealer, was read the second time and referred to the committee on Propositions and Grievances.

The bill for the relief of William Brasseal, of Blount county, was read the second time, and referred to the committee on Sixteenth Sections.

The bill for the relief of Nicholas Hudson, jailor of Blount county, was read the second time, and referred to the committee on Accounts and Claims.

The bill requiring the justices of the peace of Coffee county to act as apportioners for said county, was read the second time, and referred to the committee on Roads, Bridges and Ferries.

The bills:

To incorporate the Lawrenceville Male and Female Academy;

To incorporate the Eutaw Insurance company;

To amend the charter of the town of Cahaba; were severally read the second time, and referred to the committee on Corporations.

Joint resolutions declining to accept a certain portion of the grant, and carry into execution the trust, conferred upon the State of Alabama by an act of Congress, entitled an act granting public lands in alternate sections to the State of Alabama, to aid in the construction of certain railroads in said State, approved June 3d, 1856; were read the second time, and referred to the committee on Internal Improvements.

Mr. Hammonds asked leave of the House to withdraw the bill introduced by himself, to extend the jurisdiction of justices of the peace, and leave was granted, and the bill was withdrawn.

The Senate bill :

To provide for the pay of jurors in Pickens county, was read the first time, and ordered to a second reading.

Mr. Coleman introduced the following resolution; which was adopted :

*Resolved*, That the Speaker of the House be requested to raise a standing committee on retrenchment.

Mr. Hobbs, by leave, introduced a bill to incorporate the North Alabama Agricultural and Mechanical Society; which was read the first time, and ordered to a second reading.

Mr. Calfee offered the following resolution; which was adopted :

WHEREAS, George E. Brewer, who occupies a seat in this body as a representative, from the county of Coosa, was on the first Monday of August last and up to the first Monday of November, inst., holding the office of county superintendent of education for said county, receiving a salary of \$400 per annum.

AND WHEREAS, Section 26th, of article 3d, of the constitution of Alabama provides, that no person holding any lucrative office under this State shall be eligible to the General Assembly. Therefore,

*Resolved*, That the question of the eligibility of said George E. Brewer, be referred to the committee on Privileges and Elections, and that they be required to examine into the law and the facts, and report as early as practicable.

On motion,

The House adjourned till Monday morning, 10 o'clock.

MONDAY, November 16th, 1857.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Mitchell.

The journal of Saturday was read, and approved.

Mr. Speaker presented the petition of Wm. T. Hall and Geo. W. Zeigler; which was referred to the committee on the Judiciary.

Bills were introduced by :

Mr. Scarborough: to change the mode of giving notice to discontinue, alter or change public roads;

Joint resolutions proposing amendments to the Constitution;

Mr. Martin, of Dale: to increase the amount of tax on peddling in the county of Dale;

Mr. Flournoy: in relation to costs in criminal cases in which the venue is changed;

Mr. Sheffield: to compel the county commissioners of Marshall county to lay a special tax for the purpose of paying the grand and petit jurors;

Mr. Brown, of Marion: for the relief of Emeline R. Goode, of Marion;

Mr. Herndon: for the relief Catherine J. Reid;

Mr. Jones: to amend the charter of the Mobile Bay Road company;

Mr. Dillard: to make Sarah L. Owens a free dealer;

Which were read the first time, and ordered to be read a second time on to-morrow.

Mr. Jones: more effectually to prevent banks of other States from carrying on banking in this State; which was read the first time; and,

On motion of Mr. Griffin, the bill was ordered to lay on the table, and 133 copies to be printed for the use of the House.

Mr. Powell introduced joint resolutions proposing amendments to the Constitution of the State of Alabama; which were read, and ordered to a second reading.

#### REPORTS FROM THE JUDICIARY COMMITTEE.

Mr. Jones, from the Judiciary committee, to whom was referred the bill to amend the attachment laws of this State, have instructed me to report the bill back to the House, and recommend its passage; which was read, and ordered to be engrossed for another reading.

Mr. Jones, from the same committee, to whom was referred the bill to extend the right of trial by jury before justices of the peace, have instructed me to report an amendment to the bill,

which is herewith submitted, and recommend the passage of the bill as amended.

The amendment was adopted, and the bill ordered to be engrossed for a third reading.

Mr. Jones, from the same committee, to whom was referred a resolution to enquire into the expediency of amending the Constitution as to the size of the counties, instruct me to report the same back, and recommend its reference to the committee on Amendments to the Constitution.

Report concurred in, and the bill so referred.

Mr. Hale, from the same committee, to whom was referred the bill to enable defendants in certain cases, have had the same under consideration, and have instructed me to report it back to the House, with the following amendments:

“Strike out the words, of any equal amendment,” where they occur in the first section of the bill, and insert the words “of three hundred dollars,” in lieu thereof.

Also, amending the second section of the bill, by inserting after the words “2314” in the last line of the section, the words “2315”; and recommend the passage of the bill, as amended.

The amendments were adopted.

Mr. Drummond moved to amend, by adding to section one, “that suits upon contracts the defendant shall be allowed to prove by his own oath, an offset or counter claim to the amount of three hundred dollars.”

Mr. Dillard moved to lay the amendment on the table; which motion was lost.

Mr. Drummond moved to recommit the bill to a select committee; which motion prevailed.

Messrs. Drummond, Clarke and Williams composed said committee.

Mr. Brown, from the Judiciary committee, to whom was referred the bill to render a decree of divorce a final dissolution of the marriage relations existing between the parties so obtaining it, reported adversely thereto.

Mr. Wood, from the Judiciary committee, to which was referred the bill to suppress gaming, report adversely thereto.

Which reports were severally concurred in.

Mr. Scott from the same committee, to whom was referred the bill allowing constables of Fayette county certain privileges therein expressed, report adversely thereto.

Mr. Wright, from the same committee, to whom was referred the bill to repeal section 3617 of the Code, report adversely thereto.

Mr. Adams, from the same committee, to whom was referred

the bill to prevent fraud in drawing grand jurors, report adversely thereto.

Which reports were severally concurred in.

Mr. Nabors, from the same committee, to which was referred the bill to compel appellants from justices' courts to pay all the costs in said suits, report adversely thereto; which report was concurred in.

Mr. Wood, from the committee on Banks and Banking, to whom was referred the bill to repeal an act therein mentioned, report the same back to the House, and recommend its passage.

The bill was read, and ordered to be engrossed for a third reading.

Mr. Herndon, from the same committee, to whom was referred the bill to prohibit the circulation of bank bills of the denomination of five dollars and under, issued without authority of this State, report adversely thereto.

Mr. Nabors moved to lay the report on the table; which motion prevailed.

Mr. Echols moved to lay the bill on the table, and,

Mr. Nabors called the yeas and nays.

Yeas—Messrs. Aldridge, Allen, Bell of Talladega, Bennett, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskalooza, Bulger, Cary, Clarke, Clayton, Cloud, Colbert, Coleman, Denman, Dillard, Drummond, Echols, Edwards, Espy, Eustace, Flournoy, Griffin, Hale, Hobbs, Holly, Houston, Jeter, Johnston of Tallapoosa, Kennedy, Mabry, Martin of Dale, McKae, Molton, Murphree of Pike, Murphy of Henry, Parker, Pynes, Reedus, Reid, Richardson of Cherokee, Richardson of Monroe, Sheffield, Simpson, Smith of Lauderdale, Smith of Randolph, Staton, Thompson, Walden, Williamson, Wood and Wright  
—54.

Nays—Messrs. Speaker, Adams, Baskins, Bell of Franklin, Boatright, Bradley, Calfee, Caldwell, Cullum, Hammonds, Harris, Herndon, Huckabec, Jackson, Johnston of Perry, Jones, Lesueur, Majors, Mardis, Martin of Talladega, McCall, Morgan, Nabors, Neal, Nelson. Register, Remson, Scarborough, Scott, Slade, Smith of Jefferson, Stiff, Tally, Tait, Warren and Weaver  
—36.

So the bill was laid on the table.

Mr. Nabors, from the committee on Divorce and Alimony, to whom was referred the record of divorce of Elizabeth Reeks vs. Alfred Reeks, have had the same under consideration, and instructed me to report the accompanying bill, to divorce Elizabeth Reeks from her husband, Alfred Reeks, was read the first



time, and under the suspension of the constitutional rule, was read the second and third times forthwith, and passed.

Mr. Nabors, from the same committee, to which was referred sundry records of divorce, has had the same under consideration, and reports the accompanying bills to divorce Elizabeth Elliot from her husband, Robert Elliot, and to divorce other persons therein named, was read the first time.

Mr. Staton moved to suspend the constitutional rule to give the bill a second reading forthwith.

The motion was lost.

The bill was then ordered to a second reading.

Mr. Staton, from the committee on Accounts and Claims, to whom was referred the account of N. L. McKinny, sheriff of Limestone county, have had the same under consideration, and instructed me to report, that the same is already provided for by law, and said introducer have leave to withdraw the same.

Concurred in.

Mr. Staton, from the same committee, to whom was referred the account of Thomas Armstrong, sheriff of Henry county, have had the same under consideration, and have instructed me to report, that the same is already provided for by law, and asks that the said introducer have leave to withdraw the same.

Concurred in.

Mr. Hale, from the committee to which was referred the bill requiring the Governor to reside at the Capitol, and fixing his salary, have had the same under consideration, and have instructed me to report it back to the House, and recommend its passage.

Pending the consideration of which, the hour of 12 arrived, the time fixed by the House for taking up the general orders.

Mr. Smith, of Lauderdale, moved to suspend the general orders of the day, to take up the Senate message just received: which motion prevailed.

Mr. Speaker: The Senate has adopted the following resolution, in which they respectfully ask the concurrence of the House of Representatives:

*Resolved*, That, with the concurrence of the House of Representatives, the two Houses will meet in the Hall of the House of Representatives on Saturday, the 21st instant, at 11 o'clock, A. M., for the purpose of electing a senator to Congress of the United States, to fill the vacancy occasioned by the expiration of the term of Hon. C. C. Clay, Jr., on the 4th day of March, 1859.

Mr. Bell, of Franklin, moved to postpone the further consid-

eration of the resolution until Friday, and make it the special order for 11 o'clock on that day.

Mr. Bennett demanded the yeas and nays upon the motion.

Yeas—Messrs. Aldridge, Bell of Franklin, Brown of Marion, Clarke, Colbert, Dillard, Flournoy, Hobbs, Houston, Jackson, Jones, Little, Mardis, Martin of Talladega, McGhee, Molton, Morgan, Nelson, Powell, Reedus, Richardson of Monroe, Walden and Wood—23.

Nays—Messrs. Speaker, Adams, Allen, Baskins, Baugh, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Brock, Browder, Brown of Tuskaloosa, Bulger, Calfee, Caldwell, Cary, Clayton, Cloud, Coleman, Cullum, Denman, Drummond, Echols, Edwards, Espy, Eustace, Griffin, Hale, Hammonds, Harris, Herndon, Holly, Jeter, Johnston of Perry, Johnson of Tallapoosa, Kennedy, Lesueur, Mabry, Majors, Martin of Dale, McCall, McRae, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Pennington, Pynes, Register, Reid, Remson, Richardson of Cherokee, Scarborough, Scott, Sheffield, Simpson, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Talley, Tait, Warren, Weaver, Williamson and Wright—72.

Mr. Bell, of Franklin, then moved to adjourn until to morrow morning, ten o'clock; and,

The yeas and nays were called.

Yeas—Messrs. Bell of Franklin, Clarke, Huckabee, McGhee, Nelson and Wood—5.

Nays—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Baugh, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskaloosa, Bulger, Calfee, Caldwell, Cary, Clayton, Cloud, Colbert, Coleman, Cullum, Denman, Dillard, Drummond, Echols, Edwards, Espy, Eustace, Flournoy, Griffin, Hale, Hammonds, Harris, Herndon, Hobbs, Holly, Houston, Jackson, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Little, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Powell, Pynes, Reedus, Register, Reid, Remson, Richardson of Monroe, Scarborough, Scott, Sheffield, Simpson, Slade, Smith of Jefferson, Smith of Lauderdale, Smith, of Randolph, Staton, Stiff, Talley, Tait, Walden, Warren, Weaver, Williamson and Wright—85.

The House refused to adjourn.

The question then was upon concurring in the Senate resolution; and,

The yeas and nays were called.

Yeas—Messrs. Adams, Allen, Baskins, Baugh, Bennett, Boatright, Brewer, Brock, Browder, Brown of Tuskalooosa, Bulger, Calfee, Caldwell, Clayton, Cloud, Coleman, Cullum, Denman, Drummond, Edwards, Espy, Griffin, Hammonds, Harris, Herndon, Jeter, Johnston of Perry, Johnson of Tallapoosa, Kennedy, Lesueur, Majors, Martin of Dale, McCall, McRae, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Pynes, Register, Reid, Richardson of Cherokee, Scott, Sheffield, Simpson, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Tait, Warren, Weaver, Williamson and Wright—57.

Nays—Messrs. Speaker, Aldridge, Bell of Franklin, Bell of Talladega, Bradley, Brown of Marion, Cary, Clarke, Colbert, Dillard, Echols, Eustace, Flournoy, Hale, Hobbs, Houston, Huckabee, Jackson, Jones, Little, Mabry, Mardis, Martin of Talladega, McGhee, Molton, Morgan, Nelson, Powell, Reedus, Remson, Richardson of Monroe, Scarborough, Talley, Thompson, Walden and Wood—36.

The resolution was concurred in.

Mr. Smith, of Lauderdale, moved to suspend general orders, to allow him to offer the following resolution; which was carried:

*Resolved*, That the House of Representatives, will, as a body, attend the meeting of the State Agricultural Society, on a day or days hereafter to be designated.

Mr. Echols moved to lay the resolution on the table; which motion prevailed.

On motion, the House adjourned until 10 o'clock, to-morrow morning.

TUESDAY, November 17th, 1857.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Petrie.

The journal of yesterday was read and approved.

Mr. Speaker laid before the House a record of divorce; which was referred to the committee on Divorce and Alimony.

Mr. Speaker laid before the House the communication of John Whiting, commissioner and trustee to close the affairs of the State Bank and Branches; which,

On motion of Mr. Jones, was laid on the table.

Mr. Smith, of Lauderdale, moved to suspend the call of the counties, for the view of taking up the Senate message for the purpose of electing a chancellor for the middle division of the State of Alabama.

The motion prevailed.

Mr. Williamson moved to reconsider the vote by which the

House concurred in the resolution of the Senate of yesterday, to bring on the election for the United States Senate on Saturday next, at 11 o'clock.

Mr. Irby moved to lay that motion on the table.

Mr. Wood moved to postpone the further consideration of the motion of Mr. Williamson until Thursday next, and make it the special order for 11 o'clock, on that day; and,

The yeas and nays were called.

Yeas—Messrs. Aldridge, Bell of Franklin, Brown of Marion, Clarke, Dillard, Echols, Flournoy, Hale, Hobbs, Houston, Jackson, Little, Mabry, Mardis, Martin of Talladega, McGhee, Molton, Morgan, Nelson, Powell, Reedus, Richardson of Monre, Scarborough, Thompson, Walden and Wood—26.

Nays—Messrs. Speaker, Adams, Allen, Baugh, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Brock, Browder, Brown of Tuskaloosa, Bulger, Calfee, Caldwell, Cary, Clayton, Cloud, Colbert, Coleman, Cullum, Denman, Drummond, Edwards, Espy, Eustace, Goode, Griffin, Hammonds, Harris, Herndon, Holly, Irby, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Lesueur, Majors, Martin of Dale, McCall, McRae, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Pennington, Pynes, Register, Reid, Richardson of Cherokee, Scott, Sheffield, Simpson, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Talley, Tait, Warren, Weaver, Williamson and Wright—70.

Motion was lost.

The question was then upon the motion of Mr. Irby, to lay the motion of Mr. Williamson on the table; and,

The yeas and nays were called.

Yeas—Messrs. Speaker, Adams, Allen, Baugh, Bell of Talladega, Bennett, Boatright, Bradley, Brock, Browder, Brown of Tuskaloosa, Bulger, Calfee, Caldwell, Clayton, Cloud, Coleman, Cullum, Denman, Drummond, Edwards, Espy, Eustace, Goode, Griffin, Hammonds, Harris, Herndon, Holly, Irby, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Lesueur, Majors, Martin of Dale, McCall, McRae, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Pennington, Pynes, Register, Reid, Richardson of Cherokee, Scott, Sheffield, Simpson, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Talley, Tait, Warren, Weaver and Wright—62.

Nays—Messrs. Aldridge, Bell of Franklin, Brown of Marion, Cary, Clarke, Colbert, Dillard, Echols, Flournoy, Hale, Hobbs, Houston, Jackson, Jeter, Little, Mabry, Mardis, Martin of Talladega, McGhee, Molton, Morgan, Nelson, Powell, Reedus, Rem-

son, Richardson of Monroe, Scarborough, Thompson, Walden, Williamson and Wood—31.

The motion prevailed.

The House then proceeded to the consideration of the following messages from the Senate:

Mr. Speaker: The Senate has adopted the following resolution, and ask the concurrence of the House:

*Resolved*, That with the concurrence of the House, the two Houses shall meet in the Hall of the House, on Tuesday, the 17th instant, at 11 o'clock, for the purpose of electing a chancellor for the middle chancery division of Alabama, to fill the vacancy occasioned by the expiration of the term of service of the Hon. J. B. Clarke.

Mr. Brown, of Tuskaloosa, offered the following amendment: "Strike out Tuesday, the 17th, and insert Saturday, the 21st."

Lost.

Mr. Johnston, of Perry, moved to strike out Tuesday, and insert Thursday next.

Mr. Flournoy moved to lay the motion on the table; and, The yeas and nays were called.

Yeas—Messrs. Adams, Aldridge, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brewer, Brock, Browder, Bulger, Calfee, Caldwell, Cary, Colbert, Coleman, Dillard, Echols, Espy, Eustace, Flournoy, Hale, Irby, Jackson, Jeter, Jones, Kennedy, Mabry, Martin of Dale, McCall, McGhee, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Parker, Pynes, Reid, Richardson of Cherokee, Richardson of Monroe, Scarborough, Smith of Jefferson, Tally, Thompson, Walden, Warren and Williamson—48.

Nays—Messrs. Speaker, Allen, Bennett, Brown of Marion, Brown of Tuskaloosa, Clarke, Clayton, Cloud, Cullum, Denman, Drummond, Edwards, Goode, Griffin, Hammonds, Harris, Herndon, Hobbs, Holly, Huckabee, Johnston of Perry, Johnson of Tallapoosa, Lesueur, Little, Majors, Mardis, Martin of Talladega, Neal, Nelson, Pennington, Powell, Register, Remson, Scott, Sheffield, Simpson, Slade, Smith of Randolph, Staton, Stiff, Tait, Weaver, Wood and Wright—44.

The amendment was laid on the table.

Mr. Hale moved to amend by inserting Saturday, at 11 o'clock.

Amendment was adopted; and resolution as amended, was concurred in.

Bills were introduced by:

Mr. Edwards: for the relief of Richard Stephens, of Blount county;

Mr. Holly: authorizing the court of county commissioners in

the county of Covington, to establish one or more places of voting in each election precinct;

Mr. Mabry: in relation to the suspension of specie payments by the Commercial Bank of Alabama;

Mr. Hale: for the relief of Charlotte Ellis, of Greene county;

Mr. Hale: to incorporate the Lubbud Insurance company;

Mr. Cloud: to increase the jurisdiction of justices of the peace in certain cases;

Mr. Smith, of Jefferson: for the relief of Jno. D. Price, of Jefferson county;

Mr. Sheffield: to amend section 3568 of the Code, in its application to the counties of Marshall, Walker, Blount and Marion;

Mr. Bulger: to enable the administratrix on the estate of James L. Craig, deceased, to remove the administration to Tallapoosa county;

Mr. Powell: to amend section 3500 of the Code;

Mr. Reid: to regulate the number of grand jurors in the county of Walker;

Which were severally read, and ordered to a second reading.

Mr. Speaker (Mr. Hobbs in the chair) moved to suspend the consideration of reports from committees, for the purpose of taking up the message just received from the Senate.

Concurred in.

Mr. Speaker: The Senate has adopted the following resolution:

*Resolved by the Senate,* That with the concurrence of the House of Representatives, the communication of John Whiting, commissioner and trustee, be referred to a joint committee consisting of three members on the part of each House with authority to consult and advise with him, and to report to their respective houses at such time as they may deem proper, and have appointed Messrs. Jemison, Patton, and Jones, of Greene, said committee on the part of the Senate.

The House concurred in the Senate resolution.

Mr. Cullum presented the account of W. Harrell; which was referred to the committee on Accounts.

Mr. Griffin, on the committee of Privileges and Elections, to whom was referred a resolution inquiring into the eligibility of George E. Brewer, has had the same under consideration, and instruct me to report the same back and ask leave to be discharged from the further consideration of the subject, and recommend its reference to the Judiciary committee.

Mr. Brewer moved to lay the report of the committee on Privileges and Elections on the table.

The motion prevailed.

Mr. Wood moved to reconsider the vote by which the House

laid the report of the committee on the table; and the motion prevailed.

12 o'clock having arrived, the hour for taking up and considering the general orders.

Mr. Hobbs moved to suspend the general orders to dispose of the report and resolutions under consideration; which motion prevailed.

The House then concurred in the report of the committee on Privileges and Elections.

Mr. Speaker announced the standing committee on retrenchment,

Messrs. Coleman, Register, Nelson, Baugh, Kennedy, Slade, Parker and Warren.

Mr. Majors then introduced the following resolutions; which were unanimously adopted:

*Resolved*, That the House has learned with feelings of most profound regret, the death of Hon. James H. Hayes, of DeKalb county, who died at his residence in the county of DeKalb, on the 11th inst., 7 o'clock, of said day.

*Resolved*, That in the death of Col. Hayes, the House has lost an able and valuable member, and the State one of its most estimable and worthy citizens.

*Resolved*, That the House hereby tender to the family of the deceased a sincere condolence, in their irreparable bereavement.

*Resolved*, That each member of this body wear the usual badge of mourning for thirty days as a token of respect for the memory of our deceased brother.

*Resolved*, That the clerk of the House furnish the family of the deceased with a copy of these resolutions, and that the same be spread upon the journals.

*Resolved*, That as a further token of respect for the memory of the deceased, this House do now adjourn until to-morrow morning, 9 o'clock.

WEDNESDAY, November 18th, 1857.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

Journal of yesterday was read and approved.

Mr. Speaker laid before the House a record of divorce; which on motion, was referred to the committee on Divorce and Alimony.

Mr. Speaker announced the committee raised at the suggestion of John Whiting, commissioner and trustee, to wind up the affairs of the Bank of this State Messrs. Jones, Hale and Wood.

Mr. Speaker laid before the House an invitation from the Ex-

ecutive committee of the Alabama State Agricultural Society, to visit the Fair, grounds on to-morrow, at 10½; which was accepted.

Mr. Brewer presented the petition of Maranda Watson; which was referred to the committee on Divorce and Alimony.

Bills were introduced by :

Mr. Little: to lay off the county of Hancock in four commissioners' districts;

Mr. Talley: to amend section 3173, and repeal 3174 of the Code;

Mr. Echols: providing for the holding of an extra term of the circuit court of Macon county;

Mr. Echols: for the relief of Wm. G. Swanson, sheriff of Macon county;

Mr. Brown, of Marion: to locate permanently the seat of justice in Marion county;

Mr. Drummond: to facilitate and make effectual the jurisdiction of the probate court;

Mr. Neal: to authorize justices of the peace to apportion hands on the roads in Pickens county, &c.; which were read the first time, and ordered to a second reading.

#### REPORTS FROM THE JUDICIARY COMMITTEE.

Mr. Jones reported adversely to the resolution inquiring into the expediency of giving authority to circuit court judges, &c.

Mr. Jones reported adversely to the bill to amend section 1033 of the Code.

Mr. Jones reported adversely to the resolution inquiring into the expediency of suing all the parties to a bill of exchange in the same action.

Mr. Martin, of Talladega, reported adversely to the bill to exempt salary or wages from process of attachment or garnishment.

Mr. Adams reported adversely to the resolution to amend section 2768 of the Code.

Mr. Brown, of Tuscaloosa, reported adversely to the bill to provide for taking testimony in civil cases.

Mr. Wood reported adversely to the bill to provide for the payment of jurors, in the county of Fayette.

Mr. Jones reported favorably to the bill to amend the criminal law; which reports were severally concurred in.

Mr. Martin, of Talladega, reported favorably to the bill to amend section 3992 of the Code, in reference to the fees of sheriffs in criminal cases; which were ordered severally to be engrossed for a third reading.



Mr. Hale reported an amendment to the bill for the relief of the mechanics :

Strike out all after the enacting clause, insert the following :  
 "That in addition to the property now exempt by law from levy and sale for the use of every family in this State, that all materials of any mechanic, who is the head of a family in this State, may have on hand for the purpose of being worked up, or used in his trade, not exceeding two hundred dollars in value, shall hereafter be exempt from levy and sale under execution or other legal process."

Mr. Hale reported an amendment to the bill in relation to rape, incest and adultery :

"Insert after the word dollars, in the 8th line, and 6th section of the bill, the words, "nor more than \$300"; also, insert after the word dollars, in the 14th line of the same section, the words, "nor more than \$1,000."

Mr. Nabors reported an amendment to the bill to extend the provisions of an act therein specified :

"Amend by adding after the word Pickens, the following :  
*Provided*, The sheriff may levy any execution in his hands against said defendant on the same property, take it into his possession and sell it as provided for by law, but he shall apply the proceeds of the sale thereof, first to the satisfaction of the executor in the hands of the constable, and the balance to the execution in his own hands."

Which amendments were severally adopted, and which bills as amended, were severally ordered to be engrossed for a third reading.

Mr. Martin, of Talladega, moved to suspend the call for reports, to take up Senate resolution in regard to joint committee on the part of both Houses, on the amendments of the Constitution.

The motion prevailed, and the House refused to concur in the resolution.

Mr. Scott reported a substitute for the bill to amend section 1033 of the Code; which, on motion of Mr. Bulger, was laid on the table.

#### REPORTS FROM COMMITTEE ON ACCOUNTS AND CLAIMS.

Mr. Johnson, of Tallapoosa, reported favorably on the bill for the relief of Nicholas Hudson; which was ordered to be engrossed for a third reading.

Mr. Talley reported that the accounts of James C. Travis, George C. Christian and C. L. Watson, were provided for by law,

and asked that the introducers of said accounts have leave to withdraw the same.

The House concurred in the report.

#### REPORT FROM COMMITTEE ON PRIVILEGES AND ELECTIONS.

Mr. Griffin reported favorably on the bill to provide for the election of county treasurer, of Coosa county, by the people.

Also, on the bill to elect a county surveyor of Talladega county, by the voters of said county; which were ordered severally to be engrossed for a third reading.

Mr. Jones, from the Judiciary committee, reported the following amendments to the bill to amend section 1136 of the Code: by striking out all after the word "Code," and insert in lieu thereof the following: be amended by inserting between the words "after" and "the," in the third line of said section, the words: "the making of an order."

The amendment was adopted, and the bill as amended, was ordered to be engrossed.

Mr. Jones, from the same committee, to whom was referred sundry bills for the relief of John B. Stokes, Mathew W. Glass, Reginal H. Dawson, Nicholas Lane, reported a substitute; which was adopted, and ordered to be engrossed.

Mr. Hale, from the Judiciary committee, reported the following amendment to the bill to prescribe the duties, rights and liabilities of general administrators, when they resign their office: amend the bill by inserting after his said office, in the fifteenth line of the first section the following: "and his securities upon his bond as general administrator, shall be liable for any and all acts of mal administration on such estates, committed after his resignation, to the same extent in all respects as if he had not resigned."

The amendment was adopted, and the bill as amended, was ordered to be engrossed.

Mr. Smith, of Lauderdale; moved to suspend the call for the reports from committees, to take up the message from the Senate, just received; which motion prevailed.

Mr. Speaker: The Senate has adopted the following resolution:  
*Resolved*, That the Senate accept the invitation of the State Agricultural Society, to attend their fair on to-morrow, and that when we adjourn to-day, that we adjourn to meet on Friday, the 20th instant, at 9 o'clock, A. M., and that a committee of three be appointed by the President, to act with a like committee on the part of the House, to make the necessary arrangements for the procession.

Messrs. Jemison, Clitherall and Bynum, compose said committee.

Mr. Huckabee moved to strike out Friday, and insert Saturday, 10 o'clock.

On motion of Mr. Griffin,

The motion of Mr. Huckabee was laid on the table.

The resolution was then concurred in, and Messrs. Hale, Smith of Lauderdale, and Tait, were appointed the aforesaid committee on the part of the House, and it was ordered forthwith to the Senate.

Mr. Clarke, from the committee on Corporations, reported on the bill to amend the charter of the town of Cahaba.

Mr. Wood, from the committee on Banks and Banking, to whom was referred a bill to be entitled an act to repeal an act entitled an act to authorize the Bank of Mobile, the Southern and Northern Banks of Alabama, to issue bills of a less denomination than five dollars, approved February the 8th, A. D. 1854, have had the same under consideration, and have instructed me to report the same to the House of Representatives, and recommend the passage of said bill.

Which, on motion of Mr. Wood,

The further consideration was postponed until Monday next, and made the special order for the hour of 12 o'clock, on that day.

Mr. Caldwell, from the committee on Internal Improvements, to whom was referred joint resolutions declining to accept certain portions of the grant and carry into execution the trust conferred upon the State of Alabama, by an act of Congress, entitled an act granting public lands in alternate sections to the State of Alabama, to aid in the construction of certain railroads in said State, approved June 3d, 1856, have had the same under consideration, and report it back to the House, and recommend its adoption; which was ordered to be engrossed.

The House resumed the consideration of the report of the select committee, to whom was referred the bill requiring the Governor to reside at the capital, and fixing his salary.

Mr. Mabry moved to strike out five hundred where it occurs in the bill.

Mr. Brown, of Marion, moved to lay the amendment with the bill on the table, and the yeas and nays were called.

Yeas—Messrs. Aldridge, Baugh, Bennett, Brock, Browder, Brown of Marion, Brown of Tuskaloosa, Bulger, Caldwell, Clarke, Colbert, Coleman, Denman, Edwards, Espy, Eustace, Flournoy, Griffin, Hammonds, Holly, Jeter, Johnson of Tallapoosa, Kennedy, Little, Majors, Mardis, Nabors, Neal, Register,

Reid, Richardson of Cherokee, Richardson of Monroe, Sheffield, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Talley, Thompson, Warren, Weaver and Wright—43.

Nays—Messrs. Speaker, Adams, Allen, Baskins, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brewer, Calfee, Cary, Clayton, Cloud, Cullum, Dillard, Drummond, Echols, Hale, Harris, Herndon, Hobbs, Houston, Huckabee, Irby, Jackson, Johnston of Perry, Jones, Lesueur, Mabry, Martin of Talladega, McCall, McGhee, McRae, Morgan, Murphree of Pike, Murphy of Henry, Nelson, Parker, Pennington, Powell, Pynes. Reedus, Scarborough, Scott, Slade, Tait, Walden, Williamson and Wood—49.

Motion lost.

On motion of Mr. Mabry,

Four thousand five hundred dollars was stricken out where it occurs in the bill.

Mr. Hale moved to fill the blank with four thousand four hundred and ninety-nine dollars.

On motion of Mr. Bulger,

The further consideration of the bill was postponed until Monday next, and made the special order for 11 o'clock of that day.

Mr. Drummond, from the select committee, to whom was referred the bill to enable defendants in certain cases, have amended the same by striking out all after the enacting clause, and inserting the following :

That from and after the passage of this act, the defendants in all suits at law shall be competent to establish, by his own oath, the correctness of any offset not to exceed three hundred dollars, founded upon contract if the plaintiff is a resident of this State, unless the plaintiff in open court denies upon oath, the truth of the facts professed to be sworn to by the defendant.

The amendment was adopted, and the bill as amended, was ordered to be engrossed.

Mr. Wood, from the special committee, to whom was referred the bill to change the time of holding the circuit court in the fourth judicial circuit of the State of Alabama, reported favorably thereto.

The bill was then ordered to be engrossed for a third reading.

Mr. Wood introduced the following resolution, which was adopted :

*Resolved*, That the committee on the Judiciary be requested to inquire into the practicability of repealing section five of an act to amend an act to incorporate the Northern Bank of Ala-

bama, approved February 2d, 1854, and to report by bill or otherwise.

Mr. Huckabee introduced the following joint resolutions, which were read, and referred to the committee on Federal Relations:

1. *Resolved by the Senate and House of Representatives in General Assembly convened,* That in the opinion of this General Assembly the decision of the Supreme Court of the United States, upon the question involved in the Dred Scott case, in which decision so much of the act of the Congress of the United States, as established the Missouri compromise line was held to be unconstitutional and void, containing a true and just exposition of the Constitution, and ought to be upheld and maintained as the law of the land.

2. *Resolved,* That the act commonly called the Kansas and Nebraska act, in which it proved that the people as a Territory of the United States, when they come to form a constitution preparatory to admission as a State into the Union, have the right to establish or reject slavery as to them may seem best, is in accordance with the provisions and principles of the Constitution of the United States, and the interference with the free and legitimate exercise of such right, is wrong in principle, dangerous in practice, and calculated to disturb the harmony of the States and the people.

3. *Resolved,* That Robert J. Walker, the Governor of Kansas, in his attempt to compel the convention elected by the people to form a Constitution for Kansas, to submit the result of their labor to a subsequent vote of the people, by an open threat to oppose the admission of the State into the Union, unless his dictation was submitted to, transcended his duty as Governor, and violated the spirit of the law, which left the people free to establish and regulate their own domestic relations in their own way.

4. *Resolved further,* That of right, and according to law, each House of the legislature of Kansas had the power to judge of the election returns and qualifications of its own members, and that the said Robert J. Walker, Governor, as aforesaid, in claiming and exercising the power to disregard the return of the election of members to the legislature, to reject members returned as elected, and admit persons to participate in the legislative councils of the Territory, not so returned as elected, by any officer known to the law, was guilty of a gross violation of law and duty; and, for these acts the General Assembly regret that he has not been removed from office.

5. *Resolved,* That a copy of these resolutions be forwarded by

the Executive, to each of our senators and representatives in Congress.

Mr. Houston moved to take from the table the bill to more effectually prevent banks of other States from carrying on the business of banking in this State.

The motion prevailed, and the bill was referred to committee on Banks and Banking.

Mr. Huckabee introduced the following resolution ; which was lost :

*Resolved*, That the Judiciary committee be authorized to employ a clerk, who shall be allowed such per diem as the said committee may deem proper.

Mr. Bennett introduced the following resolution ; which was adopted :

*Resolved*, That the committee on the State Capitol be, and they are hereby instructed to enquire, by what right or authority, stock of various descriptions, is allowed to use upon the grounds adjacent to the State Capitol, and to denounce such stock a public nuisance, and require the city marshal to take charge of the same.

Mr. Jones moved to take from the table the bill to amend the law in relation to sales of cotton by factors in the city of Mobile ; which was referred to the Judiciary committee.

Mr. Clayton introduced joint resolutions ; which were read, and referred to Federal Relations :

*Resolved 1st*, That Robert J. Walker, Governor of Kansas, receive the unqualified censure of the people of Alabama ; first, for his espousing the cause of free-soil, and by an argument in his inaugural address, and otherwise giving his official influence against the introduction of domestic slavery into Kansas ; second, by proclaiming that the Constitution of Kansas, after having been adopted by a legally constituted convention, for that purpose, should be submitted for ratification, whether or not the convention should so desire to submit it ; third, by recently assuming and exercising the authority to interfere with the ballot, (that most sacred and dearest right of freemen everywhere) and thus, by one act unwarrantable and despotic, giving the legislative power of the Territory into the hands of fanatics.

*Resolved 2d*, That whilst the people of Alabama cannot but regard with distrust the failure of the President to remove Governor Walker, for the reasons enumerated in the foregoing resolution, yet, when they reflect that the present administration was elevated to office by the votes of fourteen Southern States, a betrayal of their rights and interests would be an act of injustice and ingratitude so gross, they deem it but right to await the op-

portunity soon to be afforded the President of explaining the reasons for his action in the matter, and they take pleasure in expressing the hope that those reasons, when made known, may be such as to prove satisfactory to the Southern people.

*Resolved 3d*, That the people of Alabama await, with intense interest, the action of the constitutional convention of Kansas, and the State of Alabama, in common with the other States of the South, is determined to maintain the rights of the people of Kansas, acting through that convention to adopt a Constitution, whether it is submitted for ratification or not: *Provided, only*, it is republican in its form; and should Kansas be denied admittance into the Union on this account, Alabama "will resort in the last resort, even to the disruption of every tie which binds her to the Union."

Message from the Senate:

Mr. Speaker: The Senate has adopted joint resolutions of the State of Alabama, in regard to the Hons. Benj. Fitzpatrick and C. C. Clay, Jr., senators in Congress.

The Senate concurs in the amendment of the House to the resolution of the Senate in reference to the election of a solicitor for the 7th judicial circuit.

The Senate has also passed,

A bill to reduce the costs in the settlement of insolvent estates;

To authorize Samuel A. Gilkey, judge of probate for Pickens county, to act as guardian of Walter M. Gilkey, a minor; and, refused to concur to the following resolution of the Senate:

*Resolved*, That, the House concurring, there be appointed a joint committee of the two Houses, consisting of three on the part of the Senate, and five on the part of the House, to whom shall be referred all joint resolutions proposing to alter or change the Constitution, which said committee report their action to their respective bodies.

Messrs. Clitherall, Rather and Storrs said committee on the part of the Senate.

Mr. Morgan introduced the following resolution:

*Resolved*, That the doorkeeper be instructed to prepare a catalogue, consisting of the names of the members and officers of this House, arranged in alphabetical order; also, their respective ages, post offices, counties, representatives, married or single, occupations, and boarding houses, and have 250 copies printed for the use of this House immediately.

Mr. Clarke moved to strike out all that referred to age in the resolution.

Mr. Cladwell moved to strike out doorkeeper and insert clerk.

The hour of 12 o'clock having arrived, the time fixed by the House, to proceed with the general orders, on motion of Mr. Powell, they were suspended to dispose of the resolution and amendments.

Mr. Harris moved to adjourn.

Lost.

Mr. Bulger called for the previous question, and the question as announced by the Speaker, "shall the previous question be now put?" were,

Yeas—Messrs. Adams, Aldridge, Bennett, Bradley, Brock, Bulger, Colbert, Coleman, Dillard, Drummond, Edwards, Espy, Griffin, Hale, Harris, Holly, Jeter, Johnson of Tallapoosa, Lesueur, Mabry, Majors, Mardis, McGhee, Morgan, Neal, Nelson, Reedus, Register, Richardson of Monroe, Scarborough, Scott, Sheffield, Simpson, Smith of Lauderdale, Staton, Stiff, Thompson, Warren and Wood—39.

Nays—Messrs. Speaker, Allen, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Brewer, Brown of Marion, Brown of Tuscaloosa, Calfee, Caldwell, Cary, Clarke, Clayton Cloud, Cullum, Denman, Echols, Eustace, Flournoy, Hammonds, Herndon, Hobbs, Houston, Huckabee, Irby, Jackson, Johnston of Perry, Jones, Kennedy, Martin of Talladega, McCall, McRae, Murphree of Pike, Murphy of Henry, Nabors, Parker, Pennington, Powell, Pynes, Reid, Slade, Smith of Jefferson, Smith of Randolph, Tait, Walden, Weaver, Williamson and Wright—49.

The question then was upon striking out all that referred to age.

Lost.

The question was then upon striking out doorkeeper, and inserting clerk of the House; which prevailed.

Mr. Clarke moved to amend by adding the number of children of each member.

Mr. Irby offered the following as a substitute:

*Resolved*, That the clerk be instructed to prepare a catalogue, consisting of the names of members and officers of this House; also, their respective post offices and counties represented.

On motion of Mr. Morgan, the substitute was laid on the table.

Mr. Brown, of Marion, moved to adjourn.

Lost.

Mr. Huckabee moved to lay the whole subject on the table.

The motion prevailed.

On motion of Mr. Morgan, the House adjourned.



FRIDAY, November 20th, 1857.

House met pursuant to adjournment.

Journal of the 18th was read and approved.

CALL OF COUNTIES.

Bills were introduced by:

Mr. Warren: to regulate the pay of jurors in Coffee county;

Mr. Brewer: to authorize court of county commissioners of Coosa county to choose a place of voting in Hanover beat, number —, in said county;

Mr. Holly: to amend sections 2796, 2797 and 2798 of the Code;

Mr. Register: to repeal an act therein named;

Mr. Register: to amend section 2767, so far as relates to the county of Dale;

Mr. Huckabee: for the relief Wm. T. Webb, with a petition;

Mr. Kennedy: to authorize justices of the peace to appoint overseers of roads, and for other purposes, in the county of Marion;

Mr. Aldridge: for the relief of the tax-payers in the county of Russell;

Mr. Morgan: for the relief of Wm. L. Butler, of Shelby county;

Mr. Martin, of Talladega: to allow solicitors and attorneys general fees in certain cases;

Which bills were severally read, and ordered to a second reading.

Mr. Hale presented the petition of Pinckney Phillips, Jos. Phillips and others; which was referred to the committee on county boundaries.

Mr. Houston presented the petition of Wm. H. Coleman; which was referred to the committee on the Judiciary.

Mr. Powell presented the account of Alfred Robinson; which was referred to the committee on Accounts and Claims.

Mr. Herndon, from the special committee, reported favorably to repeal an act entitled an act to make the circuit court judges rotate throughout the State, and for other purposes.

Mr. Wood moved to amend: "That section 630 of the Code of Alabama is hereby re-enacted; *Provided*, That the provisions of said section shall not extend to the sixth judicial circuit; and,

On motion of Mr. Wood, the further consideration of the bill and amendments was postponed until Saturday, the 28th instant, and made the special order for the hour of 12 o'clock of said day.

Mr. Smith, of Randolph, from the committee on Propositions

and Grievances, to whom was referred the bill to emancipate a certain slave named Daphne, with a petition, reported favorably thereto.

Mr. Jones moved to postpone the further consideration of the bill, and make it the special order for the hour of 12 o'clock, on Saturday, 28th.

The House refused to postpone; and,

On motion of Mr. Coleman, the bill was indefinitely postponed.

Mr. Walden moved to reconsider the vote by which the bill requiring the Governor to reside at the Capitol and fixing his salary, was made the special order for 12 o'clock on Monday next.

The motion prevailed.

Mr. Brown of Marion, moved to reconsider the vote by which the House refused to adopt the resolution authorizing the Judiciary committee to employ a clerk, and the House refused to consider.

Mr. Jones moved to adjourn until to-morrow, at 10 o'clock.

The yeas and nays were called.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Bell of Talladega, Bennett, Brown of Marion, Brown of Tuska-loosa, Caldwell, Cary, Clayton, Cloud, Colbert, Cullum, Drummond, Edwards, Flournoy, Goode, Harris, Huckabee, Irby, Jeter, Jones, Mardis, McCall, McGhee, McRae, Morgan, Nabors, Neal, Nelson, Pennigton, Powell, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Simpson, Smith of Lauderdale, Smith of Randolph, Tait, Weaver, Williamson, Wood and Wright—45

Nays—Messrs. Baugh, Boatright, Bradley, Brewer, Brock, Bulger, Calfee, Clarke, Coleman, Denman, Dillard, Echols, Edwards, Espy, Eustace, Griffin, Hale, Hammonds, Herndon, Hobbs, Holly, Houston, Jakson, Johnston of Perry, Johnson of Tallapoosa, Kennedy, Lesueur, Little, Mabry, Majors, Martin of Talladega, Molton, Murpree of Pike, Murphy of Henry, Parker, Pynes, Reedus, Register, Reid, Remson, Sheffield, Slade, Smith of Jefferson, Staton, Stiff, Tally, Thompson, Walden and Warren—49.

Lost.

The question being upon filling the blank with the sum of \$4,499, which was the motion of Mr. Hale, he, with the leave of the House, withdrew it.

Mr. Mabry moved to fill the blank with \$4,000; and

The yeas and nays were called.

Yeas—Messrs. Speaker, Adams, Baskins, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brewer, Cary, Clayton,

Colbert, Cullum, Dillard, Drummond, Echols, Goode, Griffin, Hale, Harris, Herndon, Hobbs, Houston, Huckabee, Irby, Jackson, Johnston of Perry, Jones, Lesueur, Mabry, Martin of Talladega, McCall, McGhee, McRae, Murphree of Pike, Murphy of Henry, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Register, Remson, Scott, Slade, Tait, Walden, Williamson and Wood—48.

Nays—Messrs. Aldridge, Allen, Baugh, Bennett, Brock, Brown of Marion, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Clarke, Cloud, Coleman, Denman, Edwards, Espy, Eustace, Flournoy, Griffin, Hammonds, Holly, Jeter, Johnson of Tallapoosa, Kennedy, Little, Majors, Mardis, Molton, Morgan, Nabors, Neal, Reid, Richardson of Cherokee, Richardson of Monroe, Scarborough, Sheffield, Simpson, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Tally, Thompson, Warren, Weaver and Wright—47

The amendment was adopted.

Mr. Caldwell moved to adjourn until 10 o'clock to-morrow; and,

The yeas and nays were called.

Yeas—Messrs. Allen, Baugh, Brown of Marion, Caldwell, Cloud, Coleman, Eustace, Flournoy, Hammonds, Holly, Jones, Nabors, Neal, Richardson of Cherokee, Scarborough, Smith of Lauderdale, Warren and Wright—18.

Nays—Messrs. Speaker, Adams, Aldridge, Baskins, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Brock, Brown of Tuskalooza, Bulger, Calfee, Cary, Clarke, Clayton, Colbert, Cullum, Denman, Dillard, Drummond, Echols, Edwards, Espy, Goode, Griffin, Hale, Harris, Herndon, Hobbs, Houston, Huckabee, Irby, Jackson, Jeter, Johnston of Perry, Johnston of Perry, Johnson of Tallapoosa, Kennedy, Lesueur, Little, Mabry, Majors, Mardis, Martin of Talladega, McCall, McGhee, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Register, Reid, Remson, Richardson of Monroe, Scott, Sheffield, Simpson, Slade, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Tally, Tait, Thompson, Walden, Weaver, Williamson and Wood—77.

The House refused to adjourn.

Mr. Powell offered the following amendment :

“Provided he shall not be permitted to employ a private secretary at the expense of the State.”

Mr. Hale called the previous question ; and the question being, Shall the previous question be now put?

Yeas—Messrs. Speaker, Adams, Baskins, Bell of Franklin,

Bell of Talladega, Boatright, Bradley, Brewer, Clayton, Colbert, Cullum, Dillard, Drummond, Echols, Goode, Hale, Harris, Herndon, Hobbs, Houston, Huckabee, Irby, Jackson, Johnston of Perry, Jones, Lesuer, Mabry, Martin of Talladega, McCall, McGhee, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nelson, Pynes, Reedus, Remson, Scott, Slade, Smith of Randolph, Tait, Walden and Wood—45.

Nays—Messrs. Aldridge, Allen, Baugh, Bennett, Brock, Brown of Marion, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Clarke, Coleman, Denman, Edwards, Espy, Eustace, Flournoy, Griffin, Hammonds, Holly, Jeter, Johnson of Tallapoosa, Kennedy, Little, Majors, Mardis, McRae, Nabors, Neal, Parker, Powell, Register, Reid, Richardson of Cherokee, Richardson of Monroe, Scarborough, Sheffield, Simpson, Smith of Jefferson, Smith of Lauderdale, Staton, Stiff, Tally, Thompson, Warren, Weaver, Williamson and Wright—49.

The previous question was not sustained.

Mr. Morgan moved to adjourn until to-morrow, 10 o'clock.

Lost.

The hour of 12 o'clock having arrived, the time fixed by the House for taking up and disposing of the general orders,

Mr. Drummond moved to suspend them, so as to dispose of the bill and amendment; and,

The yeas and nays were called.

Yeas—Messrs. Aldridge, Bradley, Brewer, Brown of Tuskalooza, Clayton, Dillard, Drummond, Echols, Edwards, Griffin, Harris, Herndon, Hobbs, Houston, Huckabee, Irby, Jackson, Johnston of Perry, Johnson of Tallapoosa, Jones, Lesueur, Little, Mabry, Mardis, Martin of Talladega, McCall, McGhee, McRae, Molton, Murphree of Pike, Murphy of Henry, Nelson, Parker, Powell, Pynes, Reedus, Scott, Sheffield, Simpson, Slade, Smith of Randolph, Tait, Walden, Williamson and Wood—45.

Nays—Messrs. Speaker, Allen, Baugh, Bennett, Brock, Brown of Marion, Bulger, Calfee, Caldwell, Cary, Clarke, Colbert, Coleman, Cullum, Denman, Espy, Eustace, Flournoy, Hale, Hammonds, Holly, Kennedy, Majors, Nabors, Pennington, Register, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Smith of Jefferson, Smith of Lauderdale, Staton, Stiff, Tally, Thompson, Warren, Weaver and Wright—40.

The motion prevailed, and the general orders were suspended.

Mr. Flournoy moved to adjourn until 10 o'clock, to-morrow morning, and the yeas and nays were called.

The motion was lost.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Baskins,

Baugh, Bell of Talladega, Brown of Marion, Brown of Tuskalooosa, Bulger, Caldwell, Cary, Clarke, Colbert, Dillard, Espy, Eustace, Flournoy, Hammonds, Holly, Kennedy, McGhee, Morgan, Nabors, Neal, Nelson, Powell, Richardson of Cherokee, Scarborough, Smith of Lauderdale, and Wright—31.

Nays—Messrs. Bell of Franklin, Bradley, Brewer, Brock, Calfee, Clayton, Coleman, Cullum, Denman, Drummond, Echols, Edwards, Griffin, Hale, Harris, Herndon, Hobbs, Houston, Irby, Jackson, Johnston of Perry, Johnson of Tallapoosa, Jones, Lesueur, Little, Mabry, Mardis, Martin of Talladega, McCall, McRae, Molton, Murphree of Pike, Murphy of Henry, Parker, Pennington, Pynes, Reedus, Register, Reid, Remson, Richardson of Monroe, Sheffield, Simpson, Slade, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Tally, Tait, Thompson, Walden, Warren, Weaver, Williamson and Wood—56.

The question then was upon the amendment of Mr. Powell: which was adopted.

Yeas—Messrs. Aldridge, Allen, Baugh, Bennett, Brock, Brown of Marion, Brown of Tuskalooosa, Bulger, Calfee, Caldwell, Cary, Clarke, Clayton, Colbert, Coleman, Cullum, Denman, Edwards, Espy, Eustace, Flournoy, Griffin, Hammonds, Holly, Johnson of Tallapoosa, Kennedy, Little, Majors, Mardis, McCall, McRae, Nabors, Neal, Parker, Pennington, Powell, Register, Reid, Richardson of Cherokee, Richardson of Monroe, Scarborough, Sheffield, Simpson, Smith of Jefferson, Staton, Stiff, Tally, Thompson, Warren, Weaver, Williamson and Wright—52.

Nays—Messrs. Speaker, Baskins, Bell of Franklin, Bell of Talladega, Bradley, Brewer, Dillard, Drummond, Echols, Hale, Harris, Herndon, Hobbs, Houston, Irby, Jackson, Johnston of Perry, Jones, Lesueur, Mabry, Majors, Martin of Talladega, McGhee, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nelson, Pynes, Reedus, Remson, Scott, Slade, Smith of Lauderdale, Smith of Randolph, Tait, Walden and Wood—37.

The House then adjourned until 10 o'clock, to-morrow.

SATURDAY, November 21st, 1857.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Hill.

Mr. Bulger moved to suspend the reading of the journal for the purpose of taking up the Senate message:

Motion prevailed.

*Resolved*, That with the concurrence of the House of Representatives, the two houses will assemble in the Hall of the House on Saturday the 21st inst., at 12 o'clock, M., for the purpose of electing a solicitor for the 9th judicial circuit.

Mr. Bulger moved to amend by striking out 12, M., and inserting, 11, A. M.

The amendment was adopted, and the resolution as amended was concurred in, and ordered forthwith to the Senate.

The journal was then read and approved.

Mr. Speaker announced the special committee to whom was referred a bill to allow Coffee county two weeks for the Fall term of the circuit court; Messrs. Warren, Register, Pynes, Clayton and Dillard, composed said committee.

Mr. Speaker laid before the House a record of divorce; which was referred to the committee on Divorce and Alimony.

Mr. Brewer moved to suspend the call of counties to allow him to take up an engrossed bill, to provide for the election of county treasurer of Coosa county by the people.

Motion was lost.

Bills were introduced by:

Mr. Wright: to allow compensation to viewers of public roads;

Mr. Adams: to change the mode of electing the county treasurer and surveyor of the county of Butler;

Mr. Allen: to regulate the license of pedlars in Chambers county;

Mr. Cary: to authorize the qualified voters of Conecuh county to elect a tax collector for the term of two years;

Mr. Brewer: for the relief of John Meadows and Jephtha Lee;

Mr. Mabry: to incorporate the Selma and Gulf Railroad company;

Mr. Mabry: to authorize Richard J. Tarver and others to establish a ferry across the Alabama river, at Selma;

Mr. Smith, of Lauderdale: to amend the law in relation to the emancipation of slaves;

Mr. Griffin: to regulate the election precincts in Marshall county, and for other purposes;

Mr. Remson: to amend section 3796 and 3797 of the vagrant laws;

Mr. Tait: for the relief of John W. Creagh, of Wilcox county;

Mr. Tait: to authorize the sheriff of Wilcox county to collect fees in certain cases;

Mr. Bulger: to authorize the administrator of William Towns to sell or convey real estate; which bills were severally read.

Mr. Bulger moved to suspend the constitutional rule so as to read the last named bill a second time forthwith; which motion was lost, and the bills were then ordered to a second reading.

Message from the Senate:

Mr. Speaker : The Senate concurs in the amendment of the House to the resolution of the Senate, in regard to bringing on the election of a solicitor for the ninth judicial circuit, on this day, at 11 o'clock.

Mr. Allen presented the petition of Wm. L. Crayton and others, in regard to pedlars; which was referred to the committee on Propositions and Grievances.

Mr. Little presented the accounts of George M. C. Weems and Thomas Chilcoat; which were referred to the committee on Accounts and Claims.

Mr. Dillard presented the petition of Benjamin F. Faulk and others; which was referred to the committee on Sixteenth Sections.

Mr. Brewer presented an account of C. B. Pritcher; which was referred to a select committee of five.

Mr. Jones, from the Judiciary committee, to whom was referred the bill to repeal an act in relation to justices courts, approved February 5th, 1840, and to whom was referred a bill to repeal an act therein named, reported favorably thereto; which bills were ordered to be engrossed.

Mr. Jones, from the same committee, to whom was referred the bill to prevent attorneys from collecting fees in certain cases, reported adversely thereto; which report was concurred in.

Message from the Senate :

Mr. Speaker : The Senate has passed a bill from the House to elect the county surveyor and treasurer of Hancock county, by the people.

The Senate has originated and passed bills as follows :

To compensate J. J. Ormond and A. S. Nicholson, for services rendered the State ;

To amend the law of attachment against steamboats ;

To give to the commissioners' court of Perry county authority to relieve James Didlake ;

To change the mode of assessing the tax of Butler county ;

To allow the Fall term of the circuit court for Coffee county to remain in session two weeks ;

For the relief of Charles T. Pollard, and others ;

To exempt certain property from levy and sale.

Mr. Clayton offered the following resolution; which was adopted :

*Resolved*, That the Senate be now invited into the Hall of the House, for the purpose of going into the several elections appointed for this hour.

The hour of eleven having arrived, the Senate appeared within the Hall of the House, and the two Houses in joint conven-

tion, proceeded to the election first, of solicitor for the seventh judicial circuit.

Thos. Cobbs, Esq., of Sumter, and A. E. VanHouse, of Pickens, being in nomination.

Those who voted for Mr. Cobb, are :

Messrs. Heflin, Hill, Rowe, Thompson and Woodward, of the Senate; and Messrs. Aldridge, Allen, Baskins, Bell of Talladega, Boatright, Bulger, Colbert, Cullum, Hammonds, Herndon, Houston, Jeter, Johnson of Tallapoosa, Mabry, Martin of Dale, Molton, Murphy of Henry, Nelson, Pennington, Pynes, Register, Richardson of Cherokee, Simpson, Slade, Smith of Randolph, and Weaver of the House—31.

Those who voted for Mr. VanHoose, are :

Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Fleming, Griffin, Horn, Jemison, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Storrs and Thaxton, of the Senate; and Messrs. Speaker, Adams, Baugh, Bell of Franklin, Bennett, Bradley, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskalooza, Calfee, Caldwell, Cary, Clarke, Clayton, Cloud, Coleman, Denman, Dillard, Drummond, Echols, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Hale, Harris, Hobbs, Holly, Huckabee, Irby, Jackson, Johnston of Perry, Jones, Kennedy, Lesueur, Little, Majors, Mardis, Martin of Talladega, McCall, McGhee, McRae, Morgan, Murphree of Pike, Nabors, Neal, Parker, Powell, Reeds, Reid, Remson, Richardson of Monroe, Scarborough, Scott, Sheffield, Smith of Jefferson, Smith of Lauderdale, Staton, Stiff, Talley, Tat, Thompson, Walden, Warren, Williamson, Wood and Wright, of the House—99.

Mr. VanHoose having received a majority of all the votes given, Mr. Speaker declared him to be duly and constitutionally elected solicitor of the seventh judicial circuit, for the term prescribed by law.

The two Houses in joint convention proceeded to the election of a United States senator for the the term of six years, from the 4th day of March, 1859.

Hon. Clement C. Clay, jr., of Madison, alone being in nomination, and having received all the votes given, to wit, 130, he was declared by Mr. Speaker to have been duly and constitutionally elected a senator in the Congress of the United States, from the State of Alabama, for the term prescribed by the constitution.

Messrs. Chamberlain and Smith, of Coosa, being absent, and there being a vacancy from the county of DeKalb, the two



Houses, in convention, proceeded to the election of a chancellor for the middle chancery division of the State of Alabama.

Messrs. James B. Clark, of Green, Z. L. Nabors, of Pickens, J. H. Crawford, of Dallas, and A. H. Nicholson, of Tuskaloosa, being in nomination.

Those who voted for Mr. Clark, are :

Messrs. Abernathy, Bullock, Bynum, Carter, Coker, Crawford, Fleming, Griffin, Helin, Hill, Horn, Jemison, Jones of Greene, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rowe, Storrs, Thaxton, Thompson and Woodward, of the Senate ; and Messrs. Aldridge, Bell of Franklin, Bennett, Bradley, Brewer, Bulger, Calfee, Clarke, Cloud, Dillard, Echols, Espy, Eustace, Flournoy, Hale, Hammonds, Hobbs, Houston, Jackson, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Lesueur, Mardis, Martin of Dale, Martin of Talladega, McRae, Molton, Morgan, Murphy of Henry, Parker, Reedus, Simpson, Smith of Jefferson, Smith of Lauderdale, Still, Talley, Tait, Thompson, and Walden, of the House—65.

Those who voted for Mr. Nabors, are :

Messrs. Austin, Felder, Jones of Fayette, Rather and Rayburn, of the Senate ; and Messrs. Speaker, Allen, Baugh, Bell of Talladega, Boatright, Brock, Browder, Brown of Marion, Caldwell, Clayton, Colbert, Coleman, Cullum, Denman, Edwards, Griffin, Harris, Holly, Little, Majors, McGhee, Murphree of Pike, Neal, Nelson, Pennington, Pynes, Register, Reid, Remson, Richardson of Cherokee, Scott, Sheffield, Smith of Randolph, Staton, Warren, Weaver and Wright, of the House—42.

Those who voted for Mr. Crawford, are :

Messrs. President, Agee and Burnett, of the Senate ; and Messrs. Adams, Baskins, Cary, Goode, Irby, Mabry, McCall, Richardson of Monroe, Scarborough and Williamson, of the House—13.

Those who voted for Mr. Nicholson, are :

Mr. Deas, of the Senate ; and Messrs. Brown of Tuskaloosa, Drummond, Herndon, Huckabee, Powell and Slade, of the House—7.

Mr. Clark having received a majority of all the votes given, was declared by Mr. Speaker to have been duly and constitutionally elected chancellor of the southern chancery division of the State of Alabama, for the term prescribed by law.

The joint convention then proceeded to the election of a solicitor for the ninth judicial circuit. J. J. Woodward, Esq., of Talladega, L. F. McCoy, Esq., of Russell, Simeon Dean, Esq., of Chambers, and Cullen A. Battle, Esq., of Macon, being in nomination.

## FIRST BALLOT.

Those who voted for Mr. Woodward, are:

Messrs. Abernathy, Bynum, Clitherall, Crawford, Heflin, Hill, Jones of Greene, McSpadden, Patton, Storrs and Woodward, of the Senate; and Messrs. Baugh, Bell of Talladega, Bennett, Bradley, Bulger, Calfee, Caldwell, Clarke, Cloud, Cullum, Denman, Dillard, Edwards, Espy, Flournoy, Griffin, Hammonds, Hobbs, Holly, Houston, Jackson, Lesueur, Majors, Martin of Talladega, Neal, Parker, Pennington, Powell, Reedus, Reid, Remson, Richardson of Cherokee, Smith of Lauderdale, Smith of Randolph, Stiff, Talley, Weaver and Wright, of the House—49.

Those who voted for Mr. McCoy, are;

Messrs. Griffin, Thaxton and Thompson, of the Senate; and Messrs. Aldridge, Brock, Brown of Marion, Coleman, Kennedy, Little, Majors, Martin of Dale, McGhee, Murphree of Pike, and Walden, of the House—13.

Those who voted for Mr. Dean, are:

Messrs. Jones of Fayette, Lindsay, Mitchell and Rowe, of the Senate; and Messrs. Allen, Bell of Franklin, Jeter, Johnson of Tallapoosa, Mardis, Nelson and Simpson, of the House—11.

Those who voted for Mr. Battle, are:

Messrs. President, Agee, Austin, Bullock, Burnett, Carter, Cocke, Deas, Felder, Fleming, Horn, Jemison, McKinne, Rather and Rayburn, of the Senate; and Messrs. Speaker, Adams, Baskins, Boatright, Brewer, Browder, Brown of Tuscaloosa, Cary, Clayton, Colbert, Drummond, Echols, Eustace, Goode, Hale, Harris, Herndon, Huckabee, Irby, Johnston of Perry, Jones, Mabry, McCall, McRae, Molton, Morgan, Murphy of Henry, Pynes, Register, Richardson of Monroe, Scarborough, Scott, Sheffield, Slade, Smith of Jefferson, Staton, Tait, Warren and Williamson, of the House—54.

Neither of the candidates having received a majority of all the votes given, the two Houses in convention proceeded to a

## SECOND BALLOT.

Those who voted for Mr. Woodward, are:

Messrs. Abernathy, Bynum, Clitherall, Crawford, Heflin, Hill, Jones of Greene, McSpadden, Patton, Storrs and Woodward, of the Senate; and Messrs. Baugh, Bell of Talladega, Bennett, Bradley, Brock, Bulger, Calfee, Caldwell, Clarke, Cloud, Coleman, Cullum, Denman, Dillard, Edwards, Espy, Hammonds, Hobbs, Holly, Houston, Jackson, Kennedy, Lesueur; Majors,

Martin of Talladega, Molton, Morgan, Neal, Nelson, Parker, Pennington, Reedus, Reid, Remson, Richardson of Cherokee, Smith of Randolph, Stiff, Talley, Weaver and Wright, of the House—51.

Those who voted for Mr. McCoy, are :

Messrs. Griffin and Thaxton, of the Senate; and Messrs. Aldridge, Brown of Marion, Little, McGhee and Murphree of Pike, of the House—7.

Those who voted for Mr. Dean, are :

Messrs. Lindsay, Mitchell and Rowe, of the Senate; and Messrs. Allen, Bell of Franklin, Jeter, Johnson of Tallapoosa, Mardis and Simpson, of the House—9.

Those who voted for Mr. Battle, are :

Messrs. President, Agee, Austin, Bullock, Burnett, Carter, Cocke, Deas, Felder, Fleming, Horn, Jemison, Jones of Fayette, McKinne, Rather, Rayburn and Thompson, of the Senate; and Messrs. Speaker, Adams, Baskins, Boatright, Brewer, Browder, Brown of Tuskaloosa, Cary, Clayton, Colbert, Drummond, Echols, Eustace, Flournoy, Goode, Griffin, Hale, Harris, Herndon, Huckabee, Irby, Johnston of Perry, Jones, Mabry, Martin of Dale, McCall, McRae, Murphy of Henry, Powell, Pynes, Register, Richardson of Monroe, Scarborough, Scott, Sheffield, Slade, Smith of Lauderdale, Smith of Jefferson, Staton, Tait, Walden, Warren and Williamson, of the House—60.

Neither of the candidates having received a majority of all the votes given, the two Houses in joint convention proceeded to the

### THIRD BALLOT.

The names of Messrs. McCoy and Dean, having been withdrawn.

Those who voted for Mr. Woodward, are :

Messrs. Abernathy, Bynum, Clitherall, Crawford, Griffin, Heflin, Hill, Jones of Greene, Lindsay, McSpadden, Mitchell, Patyn, Rayburn, Storrs, Thaxton and Woodward, of the Senate; and Messrs. Allen, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Bradley, Brewer, Brock, Brown of Marion, Bulger, Calfee, Caldwell, Clarke, Cloud, Coleman, Cullum, Denman, Dillard, Edwards, Espy, Hammonds, Hobbs, Holly, Houston, Jackson, Jeter, Johnson of Tallapoosa, Kennedy, Lesueur, Little, Majors, Mardis, Martin of Talladega, McGhee, Morgan, Neal, Nelson Parker, Pennington, Powell, Reedus, Reid, Remson, Richardson of Cherokee, Simpson, Smith of Randolph, Staton, Stiff, Talley, Weaver and Wright, of the House—67.

Those who voted for Mr. Battle, are :

Messrs. President, Agee, Austin, Bullock, Burnet, Carter,

Cocke, Deas, Felder, Fleming, Horn, Jemison, Jones of Fayette, McKinne, Rather and Rowe, of the Senate; and Messrs. Speaker, Adams, Aldridge, Baskins, Boatright, Browder, Brown of Tuskaloosa, Cary, Clayton, Colbert, Drummond, Echols, Eustace, Flournoy, Goode, Griffin, Hale, Harris, Herndon, Huckabee, Irby, Johnston of Perry, Jones, Mabry, Martin of Dale, McCall, McRae, Moulton, Murphree of Pike, Murphy of Henry, Pynes, Register, Richardson of Monroe, Scarborough, Sheffield, Slade, Smith of Jefferson, Smith of Lauderdale, Tait, Thompson, Walden, Warren and Williamson—59.

Mr. Woodward having received a majority of all the votes given, was declared by Mr. Speaker to have been duly and constitutionally elected solicitor for the 9th judicial circuit, for the term prescribed by law.

The Senate then withdrew to their chamber.

Mr. Irby moved to suspend the general orders to allow him to make a report from the committee on Ways and Means.

Lost.

Leave of absence was then granted to Messrs. Lesueur, Bennett, Irby and Johnson, of Tallapoosa.

On motion, the House adjourned till 10 o'clock, on Monday next.

MONDAY, November 23d, 1857.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Mitchell.

The journal was read and approved.

Leave of absence was granted by the House to Mr. Boatright.

The Speaker announced the select committee to whom was referred the memorial, and account of C. G. Pitcher:

Messrs. Brown of Tuskaloosa, Pennington, Clarke, Staton and Murphree of Pike.

Mr. Herndon announced the presence of Henry Chamberlain, member elect from the county of Mobile, who appeared within the bar of the House of Representatives, was qualified and took his seat.

Mr. Speaker laid before the House sundry communications from the Governor:

EXECUTIVE DEPARTMENT, }  
 Montgomery, Ala., Dec. 23, 1857. }

HON. CRAWFORD M. JACKSON,  
 Speaker of the House of Representatives:

Sir: I herewith submit the report of the inspector the of penitentiary, together with the report of the physician of that prisor.

Respectfully,  
 JOHN A. WINSTON.

Laid on the table, and five hundred copies ordered to be printed.

EXECUTIVE DEPARTMENT, }  
 Montgomery, Ala., Nov. 23, 1857. }

HON. CRAWFORD M. JACKSON,  
 Speaker of the House of Representatives:

Sir: I herewith submit the report of the commissioners appointed to examine into the affairs and condition of the Bank of Mobile, and statements of a later date, made by the president of that Bank; also, the report of the commissioners appointed to examine the books, &c., of the Southern Bank, and the report of the commissioners who examined the condition of the Northern Bank, and also of those who examined the Central Bank.

Respectfully,  
 JOHN A. WINSTON.

Laid on the table, and ordered two hundred and sixty-six copies to be printed.

EXECUTIVE DEPARTMENT, }  
 Montgomery, Ala., Nov. 23, 1857. }

*To the Senate and House of Representatives:*

GENTLEMEN: I have been requested to communicate to your honorable body the memorial of the Rev. F. F. Hankins, in behalf of those of our people laboring under the affliction of blindness. The subject is one that addresses itself to the best feelings of our nature, and demands such action as shall, in some degree, alleviate so great a bereavement. The proposition to give light to those who must ever remain in physical darkness, can but commend itself to the most favorable consideration of every humane and enlightened mind. Alabama has not heretofore been so situated to extend that assistance and relief to the afflicted in her borders than it becomes her to do. I recommend the proposition to the favorable consideration of the legislative body.

Respectfully,  
 JOHN A. WINSTON.

Referred to the committee on Education.

## CALL OF THE COUNTIES.

Bills were introduced by :

Mr. Allen: to dispense with the serving of minor defendants by serving their guardians with subpoena;

Mr. Espy: for the benefit of the clerk of the circuit court of Cherokee county;

Mr. Calfee: for the relief of Nancy B. Hood, of Coosa county;

Mr. Hobbs: to amend the law in regard to bail in civil actions;

Mr. Herndon: to repeal certain sections of an act therein named, in relation to banking; also,

To make stockholders in railroad companies competent witness; also,

To regulate proceedings in the probate court, and for other purposes;

Mr. Molton: bill, with petition, to authorize magistrates in beats numbers 4 and 5, of Montgomery county, to appoint constables in said beats;

Mr. Murphree, of Pike: to amend section 2175 of the Code of Alabama;

Mr. Hammonds: to regulate the pay of witnesses in criminal cases;

Mr. Powell: to extend the provision of section 2451 of the Code of Alabama; which were read, and ordered to a second reading.

Mr. Stiff presented the account of D. C. Webb, sheriff of Cherokee county; which was referred to the committee on Accounts and Claims.

Mr. Brown, of Marion, presented the petition of Abiga Belk and William Belk.

Mr. Houston presented the petition of Joshua Lyons, tax collector of Sumter county; which were severally referred to committee on Propositions and Grievances.

## REPORTS FROM THE JUDICIARY COMMITTEE.

Mr. Jones, from the Judiciary committee, to whom was referred the resolution of enquiring as to the right of the Hon. George E. Brewer to retain his seat in this House as a Representative have had the same under consideration, and instructed me to report:

That the admitted facts of the case are, that under the provision of the act approved February 14th, 1856, entitled an act to render more efficient the system of free public schools,

in the State of Alabama, the Hon. George E. Brewer was elected on the first Monday in May, 1856, the county superintendent of education for Coosa county, for the term of two years. He held that office on the first Monday of August, 1857, when he was elected a Representative for Coosa county, to the present General Assembly. The commissioner's court of Coosa county, had fixed his compensation, as county superintendent of education, at the sum of four hundred dollars per annum, part of which he has received. After his election as Representative, and before he took his seat as a member of this House, he resigned his office of county superintendent of education. These being the admitted facts, his right to a seat as a member of this House is purely a question of constitutional law.

The Constitution of Alabama, article 3, section 26, provides that no person holding any *lucrative office, under this State*, (except a few offices particularly specified in a proviso,) shall be eligible to the General Assembly. The main question for consideration, is whether the office of county superintendent of education is a lucrative office, holden under this State, within the meaning of that section of the Constitution.

Under our system of government, all sovereignty is vested in the people; and one of the most important attributes of that sovereignty is the right of choosing whomsoever they please to represent them. This clause of our Constitution is restrictive of that freedom of popular choice, and should, therefore, in the opinion of your committee, receive a strict construction. In doubtful cases it should be construed as favorably for the freedom of choice by the people as the words and spirit of the Constitution will permit. When the people choose any man to represent them, we should not defeat their will and deprive him of his seat, unless he is plainly ineligible. This principle of construction is sanctioned and declared, in strong terms, by the supreme court of Pennsylvania, in the case of the Commonwealth vs. Binns, 17 Segt. & Rawle's Rep., page 219. It is manifest that it is not every office which renders its holder eligible to the legislature, under this constitutional provision. To have that effect it must be lucrative and held under the State. Is the office of county superintendent of that character? To answer this, we must examine into the nature of that office. The county superintendent of education is elected by the people of the county—his compensation is fixed by the commissioners' court of the county, and paid out of the county treasury. In case of a vacancy occurring in the office, it is filled by the probate judge of the county. All his official acts, duties and liabilities are strictly confined to the limits of the county.

He is not elected, commissioned, or paid by the State. In the opinion of your committee, he holds his office under the county, and not under the State, within the meaning of that clause of our Constitution.

Your committee regret that they have not been able to get a copy of the Journals of the House for the session of 1839-40, as they are informed, by reliable authority, that several cases were decided at that session, arising under this clause of the Constitution. It was then decided that the office of clerk of the circuit court rendered that holder ineligible. This, in the opinion of your committee, was correct, as the clerk is clearly, in many respects, a State officer. It was also then decided that the office of bank attorney for the State Bank, was not an office which rendered the holder ineligible to the legislature. This was clearly a lucrative office, for it had fixed fees attached to it by law, and was established by a general law of the State; but it was considered that he held his office under the bank, and not under the State. This precedent shows that though an office may be created by a general law of the State, it does not follow that it is an office held under the State, within the meaning of that clause of the Constitution upon principle and precedent. Your committee are of opinion that the admitted facts do not show that the Hon. George E. Brewer was ineligible to the General Assembly, and recommend that he be allowed to retain his seat in this House as a Representative from the county of Coosa.

All of which is respectfully submitted.

#### MINORITY REPORT.

Mr. Martin, from the same committee, made the following report:

The undersigned, a minority of the committee on the Judiciary, to whom was referred the resolution of enquiry as to the right of the Hon. Geo. E. Brewer, who now holds a seat in this House as a Representative from the county of Coosa, as to his right to retain the same.

In May, 1856, Mr. Brewer was elected to the office of county superintendent of free public schools in the county of Coosa, and during the same month the commissioners' court for said county fixed his salary for the year 1856-7 at \$300, and in May, 1857, they fixed his salary for the year 1857-8 at \$400. When he was elected he gave the bond and took the oath prescribed by law, and took upon himself the duties of the office, which he continued to discharge until after the first Monday in August, 1857.



On the day last mentioned he was chosen member of this House, and now occupies a seat upon its floor, and the question is, is he entitled thereto? The provision of the Constitution involved in this enquiry (omitting all that has no bearing upon the question) may be read as follows:

“No person holding any lucrative office under this State shall be eligible to the General Assembly.”

The proposition naturally divides itself into two questions. The first being: Did Mr. Brewer, on the first Monday in August last, hold an office under the State of Alabama, within the meaning of the above provision of the Constitution? We have been able to attain no other conclusion than that he did. We shall not notice the act of '53-4, establishing a system of free public schools in the State, because its provisions are incorporated into the act of 1855-6, with additional provisions:

On the 14th of February, 1856, there was established by the State, through its agent, the legislature, a system of free public schools; and for the uniform and efficient administration of the system, the State, by the same act of its General Assembly, *created offices*, and provided for the appointment of officers to fill them. Among these are, a superintendent of education throughout the State, and a county superintendent of free public schools in each county. The law provides that the first shall be elected by the General Assembly, and his salary is fixed. It provides that the second shall be elected by the qualified voters of the county in which he is to serve. Each one required to give bond and take an oath for the faithful performance of his duties. These duties are prescribed by this *same act*, and these duties all pertain to the *same subject*, to-wit: this *State* system of free public schools; the jurisdiction, or rather the field of operations of ~~the~~ one being confined to his county, while that of the other is, in some respects, of a supervisory character, and extends over the entire State. No one will deny that the superintendent of education throughout the State is a State officer, and that he holds his office under the State, and why is he so? In our opinion, it is because the office which he fills was created by the State. The system which gave rise to the necessity for that office, was established by the State, and the fund which he disburses is the fund of the State, and his account must be rendered to the same power. An examination of the law will show that the duties imposed upon the county superintendent pertain to the *same subject* and are of the *same character*, except that he reports to the State, through the general superintendent.

True, he is elected by a county; but it will not be contended

that the legislature may not delegate to the people of a county the power to appoint a State officer.

But it has been said that he bears no commission from the State. We reply to this, that by the statement that the Constitution does not require any officer to be commissioned; this is done by statute only, and falls far short of embracing all who will be admitted to be officers of the State, and among them tax collectors, county treasurers and *the superintendent of education for the State at large, &c.*

A commission does not confer the right to an office; it is only *prima facie* evidence of the right, and will not avail against one shown to be in fact entitled to it—Hill vs. The State, 1 Ala., 559; Womack vs. Holloway, 2 Ala., 33.

The fact that this officer is elected by the voters of a county, does not make him the less an officer under the State, as we before have attempted to show. All of these county superintendents claim their offices from the same source, with duties of the same character, with distinct fields of operation, only for convenience.—See Ogden vs. Raymond, 22 Connecticut, 383. Again: the same argument would prove that the sheriff is not an officer under the State, as he too is elected by the voters of this county.

These considerations have brought our minds to the conclusion that he is an officer under the State, within the meaning of the Constitution.

The only remaining question is,—Was it a lucrative office?

Neither the amount which he may receive, or be entitled to receive, nor the manner in which, nor the source from which he is to receive it, can make any difference. Is he entitled, by virtue of his office, to compensation or a salary? If so, then it is a lucrative office. Section 8 (see page 38) provides for his election, and then recites, “where compensation *shall* be fixed by the commissioners’ court, and the payment thereof be provided or by it out of the county treasury.”

Here is an *express provision for his compensation*, and a *command* to the commissioners’ court to fix the amount and provide for its payment.

It is known to every lawyer that if the word *may* had been used where the word *shall* appears in this quotation, still as the rights of an individual are involved, it would be construed as being *mandatory*; and therefore the bounden duty of the commissioners’ court to fix the compensation and provide for its payment.

But suppose the commissioners’ court should *refuse* to act upon this subject,—refuse to fix his salary and provide for its

payment; then, as is well settled by our own and other decisions, the incumbent could compel them to do so by *mandamus*.—See *Cuthber vs. Lewis*, 6 Ala., 268; *Tarver vs. The Com's Court*, 17 Ala., 527; *Hull vs. Supervisors, &c.*, 19 Johnson, 261; *Edward Lynah, testator, &c.*, 2 McCord, 170.

The law contemplates a compensation, and makes it the duty of the court to fix it. They are sworn to do their duty, and we must presume, as does the law, that they will perform it.

In conclusion, upon this point, we will only mention the fact, that in this case Mr. Brewer's salary was fixed, and we entertain no doubt as to his legal right to have received it by law.

It is a sound rule of construction to be applied to every instrument, that the intentions of its framers are to be ascertained, and if legal, to be executed. We are of the opinion that the intention of this provision of the Constitution was: first—to prevent the union of two or more offices in the same person, incompatible with each other; secondly—to prevent the incumbent of an office from using the power and influence which it might give him, to securing another; lastly—that no one should occupy the position of a legislator, who held an office, the powers or compensation of which might be increased by the body of which he would be a member.

The office now under consideration falls within the influence of the two last, and hence we conclude that by the letter and spirit of the Constitution, Mr. Brewer was ineligible at the time of his election.

Pending the consideration of which reports, the hour of 11 o'clock arrived for which there was a special order, as well as the hour of 12 o'clock; which on motion, was suspended to dispose of the matter under consideration.

The question first was upon adopting the majority report, and the yeas and nays were called.

Yeas—Messrs. Adams, Aldridge, Allen, Bell of Franklin, Bradley, Brock, Brown of Tuskalooza, Cary, Chamberlain, Clarke, Clayton, Cloud, Colbert, Dillard, Edwards, Flournoy, Goode, Hale, Herndon, Houston, Jackson, Jeter, Johnston of Perry, Jones, Kennedy, Mabry, Mardis, Martin of Dale, Molton, Morgan, Murphy of Henry, Neal, Nelson, Pynes, Remson, Richardson of Monroe, Scarborough, Slade, Staton, Talley, Tait, Walden, Williamson, Wood and Wright—45.

Nays—Messrs. Speaker, Baskins, Baugh, Bell of Talladega, Browder, Brown of Marion, Calfee, Caldwell, Denman, Drummond, Espy, Eustace, Griffin, Hammonds, Harris, Hobbs, Holly, Huckabee, Little, Majors, Martin of Talladega, McCall, McRae.

Murphree of Pike, Parker, Pennington, Powell, Reid, Richardson of Cherokee, Sheffield, Simpson, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Stiff and Weaver—37.

The majority report was adopted.

Mr. Staton moved to suspend the general orders to allow him to make a report from the committee on Accounts and Claims; which motion was lost.

The House then proceeded to the consideration of the general orders.

The engrossed bills:

To amend the attachment laws of this State;

To extend the right of trial by jury before justices; were severally read the third time, and passed.

The engrossed bill:

To repeal an act therein mentioned, was read the third time; and,

Mr. Browder moved to amend by engrossed ryder, "by excepting the counties of Barbour, Cherokee, Benton, Fayette, Macon, Lawrence and Marion."

Mr. Smith, of Jefferson, moved the previous question.

Mr. Powell moved to lay the bill and engrossed ryder on the table; which motion had precedence over the previous question.

Yeas—Messrs. Aldridge, Allen, Baugh, Bell of Talladega, Brock, Browder, Brown of Marion, Caldwell, Clarke, Clayton, Cloud, Colbert, Denman, Edwards, Espy, Flournoy, Griffin, Hobbs, Holly, Jeter, Kennedy, Little, Majors, Mardis, Martin of Dale, McCall, McGhee, McRae, Morgan, Murphree of Pike, Murphy of Henry, Powell, Pynes, Reid, Richardson of Cherokee, Simpson, Smith of Randolph, Staton, Stiff, Talley, Thompson and Wright—42.

Nays—Messrs. Speaker, Adams, Baskins, Bell of Franklin, Bradley, Brewer, Brown of Tuskaloosa, Calfee, Cary, Chamberlain, Cullum, Dillard, Drummond, Eustace, Hale, Hammonds, Harris, Herndon, Houston, Huckabee, Jackson, Johnston of Perry, Jones, Mabry, Martin of Talladega, Neal, Nelson, Parker, Pennington, Reeduz, Remson, Richardson of Monroe, Scarborough, Sheffield, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Tait, Walden, Warren, Weaver, Williamson and Wood—44.

The House refused to lay the bill and engrossed ryder on the table.

The question then was upon the previous question.

Yeas—Messrs. Speaker, Adams, Baskins, Bell of Franklin, Bradley, Brewer, Brown of Tuskaloosa, Cary, Dillard, Drum-

mond, Eustace, Griffin, Hale, Hammonds, Harris, Herndon, Holly, Houston, Huckabee, Jackson, Johnston of Perry, Jones, Mabry, Martin of Talladega, Neal, Nelson, Parker, Pennington, Powell, Reedus, Reid, Remson, Richardson of Monroe, Sheffield, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Tait, Walden, Warren, Weaver, Williamson and Wood—44.

Nays—Messrs. Aldridge, Allen, Baugh, Bell of Talladega, Brock, Browder, Calfee, Caldwell, Clarke, Clayton, Colbert, Edwards, Espy, Flournoy, Hobbs, Jeter, Kennedy, Little, Majors, Mardis, Martin of Dale, McCall, McGhee, McRae, Morgan, Murphree of Pike, Murphy of Henry, Pynes, Richardson of Cherokee, Scarborough, Simpson, Smith of Randolph, Staton, Stiff, Talley, Thompson and Wright—38.

The call for the previous question was sustained.

Mr. Clayton moved to postpone the further consideration of the subject until Monday next, and make it the special order for the hour of 12 o'clock, on that day; which motion was lost.

Mr. Powell, at fifteen minutes after 2 o'clock, moved that the House do now adjourn until 10 o'clock to-morrow morning, and the yeas and nays were called.

Yeas—Messrs. Speaker, Aldridge, Allen, Baskins, Brock, Browder, Brown of Marion, Caldwell, Clarke, Clayton, Cloud, Colbert, Cullum, Denman, Edwards, Espy, Eustace, Flournoy, Hobbs, Huckabee, Jackson, Jeter, Kennedy, Little, Majors, Mardis, Martin of Talladega, McGhee, McRae, Morgan, Murphree of Pike, Nelson, Pennington, Powell, Remson, Richardson of Cherokee, Scarborough, Simpson, Smith of Coosa, Smith of Randolph, Staton, Stiff, Talley, Thompson, Walden, Weaver and Wright—47.

Nays—Messrs. Adams, Baugh, Bell of Franklin, Bell of Talladega, Bradley, Brewer, Brown of Tuscaloosa, Calfee, Cary, Chamberlain, Dillard, Drummond, Griffin, Hale, Hammonds, Harris, Herndon, Holly, Houston, Johnston of Perry, Jones, Mabry, Martin of Dale, McCall, Murphy of Henry, Neal, Parker, Pynes, Reedus, Reid, Richardson of Monroe, Sheffield, Slade, Smith of Jefferson, Smith of Lauderdale, Tait, Warren, Williamson and Wood—39.

And the House adjourned until to-morrow morning, 10 o'clock.

TUESDAY, November 24th, 1857.

House met pursuant to adjournment.

Prayer by Rev. Mr. Petrie.

The journal was read and approved.

Leave of absence was granted to Mr. Brewer.

**Mr. Speaker** laid before the House a record of divorce ; which was referred to the committee on Divorce and Alimony.

**Mr. Williamson** moved to reconsider the vote by which the House sustained the previous question on yesterday, in regard to the bill to repeal an act therein mentioned ; which motion was lost.

**Mr. Mabry** moved to suspend the call of the counties for the purpose of allowing time to call before the House a bill in regard to the Commercial Bank of Alabama resuming specie payments ; which was lost.

#### CALL OF COUNTIES.

Bills were introduced by :

**Mr. Clayton** : to authorize the execution of the will of Abram Burke, to move the administration and property of said estate, from the county of Coffee to the county of Barbour ;

**Mr. Staton** : to appropriate a part of the two per cent. fund ;

**Mr. Allen** : to amend the election laws of this State ;

**Mr. Espy** : defining the duties of sheriffs and constables in the county of Cherokee ;

**Mr. Richardson, of Cherokee** : to repeal section 3048 of the Code of Alabama ;

**Mr. Pennington** : to increase the pay of regular and tales jurors in the county of Choctaw ;

**Mr. Williamson** : for the relief of Mrs. Meriam M. Rattenbury ;

**Mr. Flournoy** : to extend the time for the collection of taxes in Macon county ;

**Mr. Jones** : to provide for suits in chancery, against the State of Alabama ;

**Mr. Chamberlain** : to incorporate the Mobile and Ohio Telegraph company ;

**Mr. Herndon** : to amend section 1860 of the Code of Alabama ; Also, to repeal an act therein named, relating to the deposits of money in the Savings' Bank of Mobile ;

**Mr. Johnston, of Perry** : to amend the laws pertaining to the publication of testimony ;

**Mr. Neal** : in relation to the duties of the judge of probate and commissioners' court of the county of Pickens ;

**Mr. Nabors** : to repeal an act entitled an act to repeal in part an act to amend the charter of the Northern Bank of Alabama, at Huntsville ;

**Mr. Smith, of Randolph** : to amend insolvent debtors' law ;

Mr. Aldridge: for the relief of Virgil J. Murphy, of Russell county;

Mr. Martin, of Talladega: to amend section 1372 of the Code;

Also, to amend sections 572 and 573 of the Code;

Mr. Reid: to provide for the presentation of claims to the county of Walker;

Which bills were severally read, and ordered to a second reading.

Mr. Clayton presented the account of the sheriff of Barbour county, Jno. W. Clark; which was referred to committee on Accounts and Claims.

Mr. Chamberlain presented the petition of James B. Saunders, and others, which was referred to a select committee, composed of the delegations from the counties of Baldwin and Mobile.

Mr. Clarke: for the relief of the administrator of Peter F. Patrick; which was read, and on a suspension of the constitutional rule, was read a second time, and ordered to be engrossed.

#### REPORTS FROM THE COMMITTEE ON ACCOUNTS AND CLAIMS.

Mr. Staton reported adversely to the account of George B. Saunders, of Sumter county; which,

On motion of Mr. Houston, the report was ordered to lay on the table, and that the papers and accounts be withdrawn.

Mr. Staton reported a bill for the relief of certain persons therein named;

Also, a bill for the relief of George Powell, of Blount county.

Which were severally read, and ordered to a second reading.

#### REPORT FROM THE COMMITTEE ON ROADS, BRIDGES AND FERRIES.

Mr. Nelson reported adversely to the bill requiring justices of the peace for the county of Coffee to act as apportioners for said county; which report was concurred in.

#### REPORT FROM THE COMMITTEE ON WAYS AND MEANS.

Mr. Harris reported a substitute for the bills to consolidate the offices of tax-collector and assessor for the counties of Dale and Marion; which was adopted.

Mr. Staton moved to amend, by adding the county of Blount. The motion prevailed, and the bill, as amended, was ordered to be engrossed.

## REPORT FROM THE JUDICIARY COMMITTEE.

Mr. Martin reported the following amendments to the bill to regulate appeals from probate courts; which were adopted, and the bill, as amended, ordered to be engrossed:

“Strike out the 2nd section of the bill, and insert, that section 1891 of the Code be and the same is so amended, as not to require a bill of exceptions upon any appeal from the probate to the supreme court when the error complained of appears upon the record.

“SECTION 3. *Be it further enacted*, That whenever a final judgment, order or decree, shall be rendered by the probate court against any minor, an appeal therefrom may be taken therefrom, by the guardian *ad litem*, next friend or general guardian of such minor, in the name of the latter; such guardian *ad litem*, next friend or general guardian giving bond required for that purpose.”

The House then resumed the consideration of the bill requiring the Governor to reside at the capitol, and fixing his salary; which was ordered to be engrossed.

Yeas—Messrs. Speaker, Adams, Aldridge, Baskins, Bell of Franklin, Bell of Talladega, Browder, Brown of Tuskalooza, Calfee, Cary, Chamberlain, Clarke, Clayton, Cloud, Colbert, Cullum, Dillard, Drummond, Echols, Goode, Hale, Harris, Herndon, Hobbs, Houston, Huckabee, Jackson, Jones, Mabry, Mardis, Martin of Talladega, McCall, McGhee, McRae, Molton, Murphree of Pike, Murphy of Henry, Parker, Pennington, Powell, Pynes, Reedus, Register, Remson, Scarborough, Scott, Slade, Smith of Coosa, Smith of Randolph, Thompson, Walden, Williamson and Wood—53.

Nays—Messrs. Allen, Baugh, Bradley, Brock, Brown of Marion, Caldwell, Denman, Edwards, Espy, Eustace, Flournoy, Hammonds, Holly, Jeter, Johnston of Perry, Kennedy, Griffin, Lesueur, Majors, Martin of Dale, Morgan, Nabors, Neal, Reid, Richardson of Cherokee, Sheffield, Simpsen, Smith of Jefferson, Smith of Lauderdale, Staton, Stiff, Tally, Tait, Warren, Weaver, and Wright—36.

Yeas 53, nays 36.

The hour of 11 o'clock having arrived, the House proceeded to the consideration of the special order set for this hour, it being

The bill to repeal an act entitled an act to authorize the Bank of Mobile, the Southern and Northern Banks of Alabama, to issue bills of a less denomination than five dollars.

Mr. Nabors moved to suspend the consideration of the special



order, to allow him to make a report from the committee on Divorce and Alimony; and the motion prevailed; and,

Mr. Nabors reported a bill to divorce Lewis King from his wife, M. J. King; which was read, and, under a suspension of the constitutional rule, was read the second and third times, and passed, and was ordered forthwith to the Senate.

The House then proceeded to consider the special order.

Mr. Bulger moved to postpone the further consideration of the bill until Thursday, the 26th, and make it special order for the hour of 11 o'clock.

The motion was lost, and bill ordered to be engrossed.

Yeas 60, nays 30.

Yeas—Messrs. Speaker, Adams, Aldridge, Baskins, Bell of Franklin, Bradley, Cary, Chamberlain, Clayton, Colbert, Cullum, Denman, Dillard, Drummond, Echols, Espy, Flournoy, Goode, Hale, Harris, Herdon, Hobbs, Holly, Houston, Huckabee, Jackson, Jeter, Johnston of Perry, Jones, Mabry, Martin of Dale, Martin of Talladega, McCall, Molton, Murphy of Henry, Nabors, Neal, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Register, Reid, Remson, Richardson of Cherokee, Scarborough, Scott, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Tait, Thompson, Walden, Warren, Weaver, Williamson and Wood—60.

Nays—Messrs. Allen, Baugh, Bell of Talladega, Brock, Browder, Brown of Marion, Brown of Tuscaloosa, Bulger, Caffee, Caldwell, Clarke, Cloud, Edwards, Eustace, Griffin, Kennedy, Little, Majors, Mardis, McGhee, McRae, Morgan, Murphree of Pike, Sheffield, Simpson, Smith of Coosa, Staton, Stiff, Talley and Wright—30.

Message from the Senate:

Mr. Speaker: The Senate has adopted the following resolution:

*Resolved*, That with the concurrence of the House of Representatives, the two Houses will adjourn, *sine die* on the 22nd day of December next.

The Senate has also passed bills of the following titles:

To lay off Benton county into commissioners' districts, and for other purposes;

To repeal an act to regulate the fees of the probate judge of Cherokee county in granting marriage license;

To provide for the expenses of the Government;

To incorporate the city of Eufaula;

To amend section 2331 of the Code of Alabama;

To amend the law in relation to bail in civil suits;

For the relief of witnesses and jurors in certain cases therein specified;

Requiring apportioners of roads in Pickens county to appoint overseers, and for other purposes;

To authorize James Whitehead to practice law in the several courts of this State.

To authorize the successors of sheriffs to make conveyances in certain cases;

To change the manner of appointing overseers and apportioners of roads in the county of Russell.

Also, bills from the House, as follows:

To repeal in part an act therein named;

To amend the road law in Cherokee county;

The change the Fall term of the circuit court of Covington county, amended by Senate;

To repeal an act amending the road law in Henry county.

Mr. Houston offered the following resolution; which was adopted:

*Resolved*, That from and after Monday next this House will meet at 9½ o'clock, A. M., adjourn at 1½, P. M.; meet at 3½ o'clock, P. M., adjourn at 5 P. M., except on Saturday, when the House shall adjourn at 2 o'clock.

Mr. Wood offered the following resolution; which was adopted:

*Resolved*, That the committee on Education be instructed to inquire into the expediency of adopting some standard school books out of those now in general use; which said books so adopted shall be used in the public schools of this State, and to report by bill or otherwise.

Mr. Wood, from the committee on Banks and Banking, reported the bill to repeal an act entitled an act to amend the charter of the Northern Bank of Alabama, at Huntsville, approved February 17th, 1854, passed February 7th, 1856; which bill was read, and ordered to a second reading.

Mr. Staton moved to take up the Senate resolution fixing a day for the adjournment of the legislature.

The motion prevailed.

Mr. Bradley moved to amend by striking out Monday 22d, and inserting 26th.

On motion of Mr. Bulger, the amendment was laid on the table.

Mr. Powell moved to strike out Monday, and insert Tuesday; which prevailed.

Mr. Jones moved to lay the resolution on the table, and the yeas and nays were called.

Yeas 50, nays 36.

The motion prevailed.

Yeas—Messrs. Speaker, Adams, Aldridge, Baskins, Baugh, Bell of Talladega, Brown of Marion, Brown of Tuscaloosa, Calfee, Caldwell, Cary, Chamberlain, Clarke, Clayton, Colbert, Culum, Dillard, Drummond, Echols, Hale, Hammonds, Harris, Herndon, Huckabee, Jones, Kennedy, Little, Mabry, Mardis, Martin of Talladega, McGhee, McRae, Molton, Morgan, Murphree of Pike, Nelson, Pennington, Register, Remson, Richardson of Cherokee, Scarborough, Scott, Slade, Smith of Lauderdale, Thompson, Walden, Warren, Williamson, Wood and Wright—40.

Nays—Messrs. Allen, Bell of Franklin, Bradley, Brock, Browder, Bulger, Cloud, Denman, Edwards, Espy, Eustace, Griffin, Holly, Houston, Jackson, Jeter, Johnston of Perry, Majors, Martin of Dale, Murphy of Henry, Nabors, Neal, Parker, Powell, Pynes, Reid, Sheffield, Simpson, Smith of Coosa, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Talley, Tait, and Weaver—36.

Mr. Jones offered the following resolution; which was adopted:

*Resolved*, That the standing committee on Amendments to the Constitution be instructed to confer and act with any committee of the Senate, which may be appointed on that subject.

#### GENERAL ORDERS.

The House resumed the consideration of the engrossed bill to repeal an act therein mentioned, and the question was upon the passage of the bill; and,

The yeas and nays were demanded.

Yeas 44, nays 45.

Yeas—Messrs. Speaker, Adams, Baskins, Bell of Franklin, Bradley, Brown of Tuscaloosa, Calfee, Cary, Chamberlain, Culum, Dillard, Drummond, Echols, Eustace, Hale, Hammonds, Harris, Herndon, Houston, Huckabee, Jackson, Jeter, Johnston of Perry, Jones, Mabry, Martin of Talladega, Molton, Neal, Nabors, Parker, Pennington, Reedus, Remson, Scarborough, Scott, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Tait, Walden, Warren and Wood—44.

Nays—Messrs. Aldridge, Allen, Baugh, Bell of Talladega, Brock, Browder, Brown of Marion, Caldwell, Clarke, Clayton, Cloud, Colbert, Denman, Edwards, Espy, Flournoy, Griffin, Hobbs, Holly, Kennedy, Little, Majors, Mardis, Martin of Dale, McCall, McGhee, McRae, Morgan, Murphree of Pike, Murphy of Henry, Powell, Pynes, Register, Reid, Richardson of Chero-

okee, Sheffield, Simpson, Smith, of Randolph, Staton, Stiff, Talley, Thompson, Weaver, Williamson and Wright—45.

The engrossed bills :

To elect a county treasurer for Greene county, was read the third time, and on motion of Mr. Huckabee, was indefinitely postponed.

The engrossed bill :

To amend section 2462 of the Code, was read the third time ; and,

The yeas and nays were called.

Yeas—50, nays 36.

Passed.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Bell of Franklin, Bell of Talladega, Browder, Brown of Marion, Brown of Tuskaloosa, Bulger, Cary, Clarke, Clayton, Cloud, Dill rd, Echols, Edwards, Flournoy, Griffin, Hammonds, Hobbs, Holly, Huckabee, Jackson, Jeter, Johnston of Perry, Mabry, McCall, McRae, Molton, Morgan, Nabors, Penninton, Reedus, Remson, Richardson of Cherokee, Scarborough, Scott, Sheffield, Simpson, Smith of Jefferson, Smith of Lauderdale, Staton, Stiff, Talley, Tait, Thompson, Warren, Wood and Wright—50.

Nays—Messrs. Baskins, Baugh, Bradley, Brock, Calfee, Caldwell, Colbert, Denman, Drummond, Espy, Eustace, Hale, Harris, Herndon, Jones, Kennedy, Little, Majors, Mardis, Martin of Dale, Martin of Talladega, McGhee, Murphree of Pike, Murphy of Henry, Nelson, Parker, Powell, Pynes, Register, Reid, Slade, Smith of Coosa, Smith of Randolph, Walden, Weaver, and Williamson—36.

The engrossed bill :

To amend the charter of the town of Cahaba, was read the third time.

Mr. Smith, of Lauderdale, moved an indefinite postponement of the bill.

Mr. Hale, to make it the special order for Saturday, 28th at 11 o'clock; which motion prevailed.

The engrossed bill :

To authorize certain persons therein named to be admitted to practice law on the conditions therein mentioned; which was read the third time, and on motion of Mr. Mabry, amended by engrossed ryder :

SECTION 3. And that the provisions of this act be extended to Richard H. English, of Dallas, Wm. A. May, of Sumter, and Virgil Murphy, of Russell; which was read first, second and third times, and the bill passed.

The engrossed bill:

To amend the criminal law in relation to rape, incest and adultery, was read three times, and passed.

Yeas 68, nays 17.

Yeas—Messrs. Speaker, Adams, Aldridge, Baugh, Bell of Franklin, Bell of Talladega, Bradley, Brock, Browder, Brown of Marion, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Cary, Chamberlain, Clayton, Colbert, Denman, Dillard, Echols, Eustace, Flournoy, Hale, Harris, Herndon, Hobbs, Houston, Huckabee, Jackson, Jeter, Johnston of Perry, Jones, Kennedy, Mabry, Martin of Dale, Martin of Talladega, McGhee, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Reid, Remson, Richardson of Cherokee, Scarborough, Scott, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Stiff, Tait, Thompson, Walden, Weaver, Wood and Wright—68.

Nays—Messrs. Allen, Baskins, Clarke, Drummond, Edwards, Espy, Griffin, Hammonds, Holly, Little, Majors, Mardis, McCall, Register, Staton and Warren—16.

The engrossed bills:

To divide the county of Blount into four commissioners' districts;

To amend and repeal, in part, an act therein named;

To regulate the registration of claims against the counties of Marshall and DeKalb;

To make Sealey Ramor, of the county of Covington, a free dealer;

To repeal an act approved the 5th of February, 1856, and for other purposes;

To regulate the pay of jurors in Montgomery county;

To authorize the probate court of Montgomery to take jurisdiction of the estate of John S. Cheser, deceased;

To increase the pay of grand and petit jurors, in the county of Lawrence;

To authorize the joinder of causes of actions in certain cases;

To amend section 1065 of the Code of Alabama;

In regard to the administration of oaths;

To change the time of holding the circuit courts in the fourth judicial circuit of the State of Alabama;

To prescribe the duties, rights and liabilities of general administrators, when they resign their office.

To extend the provisions of an act therein specified;

Joint resolutions; declining to accept a certain portion of the grant and carry into execution the trust conferred upon the State

of Alabama, by an act of Congress entitled an act granting public lands in alternate sections to the State of Alabama, to aid in the construction of certain railroads in said State, approved June 3d, 1856;

For the relief of mechanics; which bills were severally read the third time, and passed.

On motion the House adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, November 25th, 1857.

House met pursuant to adjournment.

Journal was read and approved.

Mr. Speaker laid before the House a record of divorce; which was referred to committee on Divorce and Alimony.

Leave of absence was granted to Messrs. Smith, of Lauderdale, and Richardson, of Monroe.

#### CALL OF COUNTIES.

Bills were introduced by:

Mr. Baugh: to render more efficient the system of free public schools in the State of Alabama, approved February 14th, 1856;

Mr. Epsy: to define the rights of dowers for widows;

Mr. Stiff: to prevent the adulteration of liquors, &c.;

Mr. Pennington: to amend the law as to executors and administrators;

Mr. Warren: to define the duties of justices of the peace and constables in the county of Coffee;

Mr. Little: to repeal an act to consolidate the offices of judge of probate, and the clerk of the circuit court of Hancock county, approved February 2d, 1854;

Mr. Clarke: to extend the operation of section 2768 of the Code;

Mr. Jones: to render the license laws for retailing spirituous liquors more efficient;

Mr. Herndon: to authorize the Mobile Marine Railway and Insurance company to consolidate its capital stock;

Mr. Molton: to extend the jurisdiction of the justices of the peace; also,

To authorize married women owning separate estates to be sued at law;

Mr. Dillard: for the better preserving of order on the day of election;

Mr. Murphree, of Pike: to establish a medical board in the county of Pike;

Mr. Hammonds: to define the term of office of the judge of probate;

Mr. Martin, of Talladega: to amend the law in relation to appeals; which bills were severally read the first time, and ordered to a second reading.

Mr. Herndon presented the memorial of the president of the Mobile Marine Railway and Insurance company; which was referred to committee on Corporations.

Mr. Walden presented the petition of John S. Brut, and others; which was referred to committee on Education.

Mr. Houston presented the account of E. H. Ustick, jailor of Sumter county; which was referred to committee on Accounts and Claims.

Mr. Clayton moved to reconsider the vote by which the House refused to pass the bill to repeal an act therein mentioned, on yesterday.

On motion of Mr. Wood, the further consideration of the motion to reconsider was postponed until Tuesday next, at 11 o'clock.

Mr. Jones moved to reconsider the vote by which the House ordered the bill to repeal an act entitled an act to authorize the Bank of Mobile, the Southern and Northern Banks of Alabama to issue bills of a less denomination than five dollars.

On motion of Mr. Wood, the further consideration of the motion to reconsider was postponed until 15 minutes after 11 o'clock, on Tuesday next.

Mr. Martin, of Talladega, from the Judiciary committee, reported the following amendment to the bill concerning registers in chancery: "strike out all said bill after the enacting clause, except the 6th section."

The amendment was adopted, and the bill, as amended, ordered to be engrossed.

Mr. Martin, of Talladega, from the Judiciary committee, reported adversely to the bill to improve the mode of taking testimony in chancery; which report was concurred.

Mr. Warren, from the select committee, to whom was referred the bill to alter the time of holding the Spring term of the circuit court of Pike and Coffee counties reported a substitute there-to.

Substitute adopted, and the bill was ordered to be engrossed.

Mr. Bell, of Franklin, from the committee to whom was referred a bill to regulate the chancery courts for the counties of

Franklin, Lauderdale, Lawrence and Hancock, having had the same under consideration, instructed me to report:

That they recommend so much of the bill as pertains to the consolidation of the chancery courts of said counties, but disagree as to the locality, and ask leave to report back the same, for the consideration of the House.

Mr. Jackson moved to amend as follows:

Strike out all after the words "as follows," in third line of second section down to any, including the word "Lauderdale," in the 16th line thereof, and insert in lieu thereof, "in the town of Frankfort, in Franklin county, on the second Monday of May, and on the third Monday after the 4th Monday in November, in each and every year, and continue ten weeks, at each term thereof."

Mr. Bell, of Franklin, moved the indefinite postponement of the bill and amendment; when,

On motion of Mr. Wood, the bill, as amended, was laid on the table.

Mr. Stiff introduced joint resolutions, instructing our senators and representatives in Congress to secure the passage of a bill granting pensions to all surviving officers and soldiers, in the war of 1812; which was read and adopted.

Mr. Hammonds offered the following resolution; which was adopted:

*Resolved*, That the committee on Education be instructed to enquire into the expediency of abolishing the office of superintendent of education; first, placing such a part of the duties of that office in the hands of the judge of probate, as will require him to take charge of the county educational fund, the disbursements of which he shall be required to keep a record, and for which duties the judge of probate is to receive such a per cent. of all the funds belonging to his county, as will recompense him for his services rendered; second, such other duties as licensing teachers to be vested in the power of the trustees of each township; third, to organize county conventions of teachers to be dispensed with, with leave to report by bill or otherwise.

Mr. Brown, of Tuscaloosa, offered the following resolution; which was adopted:

*Resolved*, That the committee on Education be instructed to inquire into the expediency of reducing the number of trustees of each township to one, and report by bill or otherwise.

Mr. Smith, of Lauderdale, moved to take up Senate message. The motion prevailed.

The joint resolutions of the State of Alabama, in regard to the



Hon. Benj. Fitzpatrick and Hon. C. C. Clay, was read and adopted.

Senate bills :

To reduce costs in the settlements of insolvent estates ;

To authorize Lemuel A. Gilkey, judge of probate for Pickens county, to act as guardian of Walter M. Gilkey, a minor ;

For the relief of Chas. T. Pollard, and others ;

To exempt certain property from levy and sale ;

To allow the Fall term of the circuit court of Coffee county to remain in session two weeks ;

To repeal an act to change the mode of assessing the tax of Butler county ;

To give the commissioners court of Perry county authority to relieve James Didlake ;

To amend the law of attachments against steamboats ;

To compensate J. J. Ormond and A. S. Nicholson, for services rendered the State ;

To change the manner of appointing overseers and apportioners of roads in the county of Russell ;

Requiring apportioners of roads in Pickens county to appoint overseers, and for other purposes ;

To authorize James Whitehead to practice law in the several counties in this State ;

To authorize the successors of sheriffs to make conveyances in certain cases ;

For the relief of witnesses and jurors in certain cases therein specified ;

To amend the law in relation to bail in civil suits ;

To amend section 2331 of the Code of Alabama ;

To incorporate the city of Eufaula ;

To provide for certain expenses of the government ;

To repeal an act to regulate the fees of the probate judge of Cherokee county, in issuing marriage licenses ;

To lay off Benton county into commissioners' districts, and for other purposes ; which bills were read the first time, and ordered to a second reading.

The House concurred in the amendments of the Senate to

The House bills :

To provide for the location of the court house of the county of Bibb ;

To extend the Fall term of the circuit court of Covington county.

Engrossed bills :

To provide for the pay of jurors in the county of Fayette ;

To amend section 1136 of the Code.

For the relief Nicholas Hudson, jailor of Blount county ;  
To elect the county surveyor Talladega of county by the voters  
of said county ;

To repeal an act therein named ;

To regulate appeals from probate courts ;

To consolidate the offices of tax assessor and collector for the  
counties of Dale, Marion and Blount ; were severally read the  
third time and passed.

The engrossed bill,

To provide for the election of county treasurer of Coosa coun-  
ty, was read the third time.

Mr. Goode moved to amend by way of engrossed ryder,  
“that the provisions of this act should extend to the county of  
Clarke ; which was read the first, second and third times, and on  
motion of Mr. Smith of Coosa, the bill as amended, was laid on  
the table.

Message from the Senate :

Mr. Speaker : The Senate has passed a bill to require the  
president of the Tennessee and Coosa Railroad to report semi-  
annually to the Governor, &c., amended as therein shown ; also,  
joint resolutions in regard to suspended banks.

On motion of Mr. Mabry, the House suspended the regular  
orders and concurred in the amendment to the House bill just  
read.

The joint resolutions were then read, and under a suspension  
of the constitutional rule, read the second time.

Mr. Smith, of Lauderdale, moved to refer them to the Judi-  
ciary.

The constitutional rule was then suspended.

The bill was then read the third time, and passed.

Yeas 51, nays 31.

Yeas—Messrs. Speaker, Adams, Baskins, Bell of Franklin,  
Bell of Talladega, Boatright, Bradley, Browder, Brown of Tus-  
kaloosa, Calfee, Clarke, Cloud, Dillard, Drummond, Edwards,  
Espy, Griffin, Herndon, Hobbs, Houston, Huckabee, Johnston  
of Perry, Jones, Little, Mabry, Majors, Mardis, Martin of Tallade-  
ga, McCall, McGhee, McRae, Molton, Morgan, Murphy of Henry,  
Nelson, Parker, Powell, Reedus, Remson, Scarborough, Scott,  
Sheffield, Smith of Coosa, Staton, Thompson, Walden, Weaver,  
Williamson, Wood and Wright—51.

Nays—Messrs. Allen, Baugh, Brock, Brown of Marion, Bul-  
ger, Cary, Cullum, Denman, Echols, Eustace, Flournoy, Ham-  
monds, Harris, Holly, Jakson, Jeter, Kennedy, Martin of Dale,  
Nabors, Neal, Pennigton, Pynes, Register, Reid, Richardson of

Cherokee, Simpson, Slade, Smith of Jefferson, Smith of Lauderdale, Stiff, Tait and Warren—31.

The engrossed bill :

To enable defendants in certain cases, was read the third time, and passed, and on motion of Mr. Jones, the title of the bill was amended, to-wit: "To prove offsets in certain cases."

The engrossed bill :

To repeal an act in relation to justices courts, approved 5th February, 1840, was read the third time and passed, and on motion of Mr. Murphree, of Pike, the title of the bill was amended, to-wit: "To repeal an act, approved February 5th, 1840, in relation to justices courts, in Pike county."

The engrossed bill :

Requiring the Governor to reside at the Capitol and fixing his salary, was read the third time, and passed.

Yeas 47, nays 33.

Yeas—Messrs. Speaker, Adams, Allen, Baskins, Bell of Franklin, Bell of Talladega, Browder, Brown of Tuskalooza, Calfee, Cary, Clarke, Clayton, Dillard, Drummond, Echols, Griffin, Hale, Harris, Herndon, Hobbs, Houston, Huckabee, Jackson, Jones, Mabry, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nelson, Parker, Pennington, Pynes, Reedus, Register, Remson, Scarborough, Scott, Sheffield, Slade, Smith of Coosa, Thompson, Walden and Williamson—47.

Nays—Messrs. Baugh, Bradley, Brock, Brown of Marion, Bulger, Cloud, Denman, Edwards, Espy, Eustace, Flourney, Hammonds, Holly, Jeter, Kennedy, Little, Majors, Mardis, Martin of Dale, McGhee, Nabors, Neal, Reid, Richardson of Cherokee, Smith of Jefferson, Smith of Lauderdale, Staton, Stiff, Talley, Tait, Warren, Weaver and Wright—33.

Which bill, on motion of Mr. Drummond, was ordered forthwith to the Senate.

The engrossed bill :

To amend section 3992 of the Code, in reference to the fees of sheriffs in criminal cases, was read the third time, and the House refused to pass the bill.

The Senate bill :

To provide for the pay of jurors, in Pickens county.

House bills :

To regulate proceedings in the probate court, and for other purposes ;

To provide for the presentation of claims to the county of Walker ;

To amend sections 572 and 573 of the Code ;

- To amend section 1372 of the Code ;
- To amend the insolvent debtors law ;
- In relation to the duties of the judge of probate and commissioners' court of the county of Pickens ;
- To amend the laws pertaining to the publication of testimony ;
- To amend section 1860 of the Code of Alabama ;
- To provide for suits in chancery against the State of Alabama ;
- To increase the pay of regular and tales jurors, in the county Choctaw ;
- To repeal section 3048 of the Code of Alabama ;
- Defining the duties of sheriffs and constables in the county of Cherokee ;
- For the benefit of the clerk of the circuit court of Cherokee county ;
- To dispense with the serving of minor defendants by suing their guardians with subpoena ;
- To authorize the executrix of the will of Abram Burke, to move the administration and property of said estate from the county of Coffee to the county of Barbour ;
- To amend the law in regard to bail in civil action ;
- To authorize magistrates in beat 4 and 5, of Montgomery, to appoint special constables in said beats ;
- To amend section 2175 of the Code of Alabama ;
- To extend the provisions of section 2451 of the Code of Alabama ;
- To make stockholders in railroad companies competent witnesses ;
- To regulate the pay of witnesses in criminal cases ;
- To allow compensation to viewers of public roads ;
- To change the mode of electing the county treasurer and county surveyor of the county of Butler ;
- To amend the law in relation to the emancipation of slaves ;
- To amend section 3796 and 3797 of the vagrant law ;
- To authorize the administration of Wm. Towns to sell and convey real estate ;
- For the relief of Wm. T. Webb, and his sureties ;
- To regulate the pay of jurors in Coffee county ;
- To amend sections 2796, 2797 and 2798 of the Code ;
- To allow the solicitors and attorney general fees in certain cases ;
- To facilitate and make effectual the jurisdiction of the probate court ;
- To amend section 3173, and to repeal 3174 of the Code ;

To regulate the number of grand jurors in the county of Walker;

To amend section 3500 of the Code of Alabama;

To enable the administrator on the estate of James L. Graig, deceased, to remove the administration to Tallapoosa county;

To amend section 3568 of the Code, in its application to the county of Marshall, Walker, Blount and Marion;

To increase the jurisdiction of justices of the peace in certain cases;

To compel the court of county commissioners, of Marshall county, to levy a special tax for the purpose of paying grand and petit jurors;

For the relief of Catharine J. Reid;

To regulate fees for marriage license in St. Clair county;

To authorize the stay of execution in certain cases;

To authorize the issuance of attachments in certain cases;

To authorize the execution of civil process by leaving a copy of the same at the residence of the defendant in certain cases;

To repeal an act therein named, approved January 18th, 1845;

To repeal section 2116 of the Code of Alabama;

To repeal section 3048 of the Code, in its application to the county of Covington;

To amend section 1537 of the Code of Alabama;

To provide for the payment of jurors, in Jefferson county;

Reducing the fees of the judges of probate on annual settlements of executors, administrators, and guardians;

To dispense with the re-issuing of execution from justices' courts;

To cause all suits brought in justices' courts to be docketed at the first term, and to make it lawful for constables to leave a copy of the summons at the usual place of residence; which bills were severally read the second time, and referred to the Judiciary committee.

The bills:

To incorporate the Mobile and Ohio Telegraph company;

To incorporate the North Alabama Agricultural and Mechanical Society;

To incorporate the Columbus and Tennessee Valley Railroad company;

To incorporate the Livingston Insurance company;

To incorporate the Selma and Gulf Railroad company;

To incorporate the Lubbub Insurance company; were severally read the second time, and referred to the committee on Corporations.

The bills:

To repeal an act therein named, relating to the deposit of money in the Savings Bank of Mobile;

To repeal certain sections of an act therein named, in relation to banking;

To amend an act to incorporate the Southern Bank of Alabama; were severally read the second time, and referred to the committee on Banks and Banking.

The bills:

To extend the time for the collection of taxes in Macon county;

For the relief of Mrs. Mirian M. Rattenbury;

To authorize the sheriff of Wilcox county to collect fees in certain cases;

For the relief of the tax payers of Russell county;

To amend section 2767 of the Code so far it relates to the county of Dale;

For the relief of Wm. G. Swanson, sheriff of Macon county;

In relation to the assessment and payment of taxes in certain cases; were severally read the second time and referred to the committee on Ways and Means;

The bill:

To increase the amount of tax on peddling in the county of Dale, was read the second time.

Mr. Martin, of Dale, moved to amend: *Provided*, That nothing herein contained shall apply to persons peddling on articles manufactured in this State: *And provided further*, that the provisions of this act shall not apply to persons peddling or trading on bacon, lard, meal, flour, feathers, hides, and fruits of all descriptions, &c.

The amendment was adopted, and the bill as amended, was referred to the committee on Ways and Means.

Mr. Echols moved to adjourn.

The motion was lost.

The bills:

To repeal an act therein named;

To authorize justices of the peace to apportion hands on the roads, in Pickens county, &c.;

To authorize Richard J. Tarver and others to establish a ferry across the Alabama river, at Selma;

Giving notice to discontinue, alter, or change public roads;

Requiring certain road duties of W. W. Pool, of Fayette county; were severally read, and referred to the committee on Roads, Bridges and Ferries.

The bill:

To authorize justices of the peace to appoint overseers of roads

and other purposes, in the county of Marion, was read the second time; and,

Mr. Bulger moved to amend by striking out "Marion" where it occurs in the bill.

Mr. Brown moved to lay the amendment on the table; and the motion prevailed.

The bill was then referred to the committee on Roads, Bridges and Ferries.

The bills:

For the relief of John Meadows and Jephtha Lee;

For the relief of Wm. L. Butler, of Shelby county, with a petition;

For the relief of Virgil S. Murphy, of Russell county;

To locate permanently the seat of justice of Marion county;

For the relief of John D. Price, of Jefferson county;

For the relief of Charlotte Ellis, of Greene county;

To make Sarah L. Owens a free dealer;

For the relief of James Scales, junior;

For the relief of Nancy B. Hood, of Coosa county;

To regulate the license of pedlars in Chambers county;

Were severally read the second time, and referred to the committee on Propositions and Grievances.

Mr. Drummond moved to suspend the regular order to allow him to introduce a resolution; which motion was lost.

The bills:

To amend the election laws of this State, authorizing the qualified voters of Conecuh county to elect a tax assessor for the term of two years;

To regulate the election precincts in Marshall county, and for other purposes;

To authorize the court of county commissioners in Coosa county to change the place of voting in Hanover beat, number —, in said county;

To lay off the county of Hancock into four commissioners' districts;

To authorize the people of Pike county to elect a county surveyor of said county;

To authorize the court of county commissioners in the county of Covington to establish one or more places of voting in each precinct;

Which were severally read the second time, and referred to the committee on Privileges and Elections.

Mr. Bell, of Franklin, moved to adjourn; and the motion was lost.

Three distinct joint resolutions proposing amendments to the

Constitution, were severally read the second time, and referred to the select committee on Constitutional Amendments.

Mr. Register moved to adjourn; and the motion was lost.

The bills:

To appropriate a part of the two per cent. fund;

To amend the charter of the Mobile Bay Road company;

Were severally read the second time, and referred to the committee on Internal Improvements.

The bill:

For the relief of Emeline R. Good, of Marion county, was read the second time, and referred to the committee on Divorce and Alimony.

The bills:

For the relief of Geo. Powell, of Blount county;

For the relief of certain persons therein named;

Providing for the holding of an extra term of the circuit court of Macon county;

To divorce Elizabeth Elliot from her husband, Robert Elliot; and to divorce other persons therein named;

Were severally read the second time, and ordered to be engrossed.

The bill:

For the relief of Richard Stephens, of Blount county, was read the second time, and referred to the committee on Sixteenth Sections.

The bill:

In relation to the suspension of specie payments by the Commercial Bank of Alabama, was read the second time, and ordered to lay on the table, and 133 copies to be printed for the use of the House.

The bill:

For the relief of Jno. W. Creagh, was read the second time, and, under a suspension of the constitutional rule, was read a third time, and passed.

Mr. Martin, of Talladega, moved to suspend the regular order of business, to allow him to introduce a resolution; and the House refused to suspend.

The bill:

To amend the act to render more efficient the system of the public schools in the State of Alabama, was read the second time, and referred to the committee on Education.

The bill:

To repeal an act entitled an act to repeal in part an act to amend the charter of the Northern Bank of Alabama, at Huntsville, was read the second time; and,



On motion of Mr. Harris, was made the special order for Wednesday next,  $\frac{1}{4}$  past 11 o'clock on that day.

The bill:

Reported by the committee on Banks and Banking, to repeal in part an act to amend the charter of the Northern Bank at Huntsville, approved February 17th, 1854; which bill was read the second time, and,

On motion of Mr. Wood, was made the special order for  $\frac{1}{4}$  past 11 o'clock on Wednesday next.

Mr. Huckabee introduced the following resolution; which was adopted:

*Resolved*, That with the concurrence of the Senate, the two Houses will meet in the Hall of the House of Representatives, on Monday, the 30th instant, at 11 o'clock, A. M., of said day, for the purpose of going into the election of secretary of State, comptroller, treasurer, superintendent of public education, adjutant general and quarter-master general.

Mr. Powell offered the following resolution; which was adopted

*Resolved*, That the committee on the Judiciary be authorized to employ a clerk, to receive such compensation as may be allowed by the House.

And, on motion the House adjourned until to-morrow, 10 o'clock.

THURSDAY, November 26th, 1857.

House met pursuant to adjournment.

The journal of yesterday was read and approved.

Mr. Speaker laid before the House a record of divorce; which was referred to the committee on Divorce and Alimony.

Leave of absence was granted to Messrs. Colbert and Baskins.

#### CALL OF COUNTIES.

Bills were introduced by:

Mr. Speaker: for the relief of M. J. Mims, administrator, and George W. Zeigler, of Autauga county:

Also, for the relief of defendants in execution, in Autauga county;

Also, to compel plaintiffs in civil actions to give security for cost in certain cases;

Also, to correct the evils arising from camp hunting.

Mr. Adams: to amend section 2447 of the Code;

Mr. Caldwell: to change the time of holding chancery court for 38th and 39th districts Northern division of Alabama;

Mr. Smith, of Coosa: to amend the patrol law of Alabama;  
 Mr. Molton: for the benefit of L. P. Butler, of Montgomery county;

Also, to prevent nuisances and illegal trafficking with slaves:

Mr. Nabors: to provide for the burning of the bills now in the treasury of the State Bank and Branches;

Mr. Houston: requiring trustees managing trust property to make annual settlements;

Also, more effectually to secure the attendance of witnesses before grand juries;

Which were severally read the first time, and ordered to a second reading.

Mr. Espy: to suspend the collection of debts; which was read the first time, and the House refused to order the bill to a second reading.

Mr. Holly: joint resolutions to take the sense of the people upon the abolition of the penitentiary; which was read, and,

Mr. Staton moved to suspend the constitutional rule, so as to read the joint resolutions a second time forthwith; which was lost, and the resolutions were then ordered to a second reading.

Mr. Harris presented the petition of the citizens of New Maitland vicinity, in the county of Madison; which was referred to committee on Propositions and Grievances.

Mr. Warren presented the petition of various citizens of Coffee county; which was referred to the committee on Propositions and Grievances.

Message from the Senate:

Mr. Speaker: The Senate has passed a House bill to divorce Lewis King from his wife, Mary J. King.

Mr. Hale, from the Judiciary committee, to whom was referred the bill to prevent the levy of an execution upon a growing crop, reported the following amendment; which was adopted:

*“ Provided, however, That if the defendant in execution shall sell, or contract to sell, or convey by mortgage, deed of trust, or otherwise, such growing crop, before the same is gathered, then the same shall be subject to levy, or sold under execution or attachment, either in the hands of the defendant or his vendee.”*

The bill, as amended, was then ordered to be engrossed.

Mr. Hale, from the same committee, to whom was referred the petition of Wm. H. Coleman, reported adversely thereto; and the report was concurred in.

Mr. Bell, of Franklin, moved to reconsider the vote by which the House refused to pass the bill to amend section 3992 of the Code, in reference to the fees of sheriffs in criminal cases; and the motion prevailed.

Yeas 45, nays 34.

Yeas—Messrs. Adams, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Browder, Brown of Tuskalooza, Caldwell, Cary, Clarke, Clayton, Cullum, Denman, Drummond, Echols, Hale, Harris, Herndon, Hobbs, Huckabee, Irby, Jeter, Johnston of Perry, Jones, Kennedy, Little, Martin of Talladega, McGhee, McRae, Morgan, Murphree of Pike, Pennington, Powell, Pynes, Reedus, Remson, Scarborough, Scott, Simpson, Slade, Staton, Stiff, Thompson, Walden, Weaver, Wood and Wright—45.

Nays—Messrs. Speaker, Allen, Brock, Brown of Marion, Calfee, Cloud, Dillard, Edwards, Espy, Eustace, Flournoy, Griffin, Hammonds, Holly, Houston, Jackson, Mabry, Majors, Mardis, Martin of Dale, McCall, Molton, Murphy of Henry, Neal, Parker, Register, Reid, Richardson of Cherokee, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Tally, Tait, Warren, and Williamson—34.

The vote was reconsidered, and the question was upon the passage of the bill, and,

The yeas and nays were called.

Yeas 53, nays 29.

And the bill passed.

Yeas—Messrs. Adams, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Browder, Brown of Marion, Brown of Tuskalooza, Cary, Clarke, Clayton, Cullum, Denman, Drummond, Echols, Edwards, Hale, Harris, Herndon, Hobbs, Houston, Huckabee, Jeter, Johnston of Perry, Jones, Kennedy, Little, Martin of Talladega, McGhee, McRae, Morgan, Murphree of Pike, Neal, Pennington, Powell, Pynes, Reedus, Reid, Remson, Scott, Simpson, Slade, Smith of Coosa, Smith of Lauderdale, Staton, Stiff, Thompson, Walden, Weaver, Wood and Wright—53.

Nays—Messrs. Speaker, Allen, Brock, Calfee, Cloud, Dillard, Espy, Eustace, Flournoy, Griffin, Hammonds, Holly, Irby, Jackson, Majors, Mardis, Martin of Dale, McCall, Murphy of Henry, Parker, Register, Richardson of Cherokee, Scarborough, Smith of Jefferson, Tally, Tait, Warren and Williamson—29.

Message from the Senate:

Mr. Speaker: The Senate has originated and passed bills of the following titles:

To authorize L. V. Underwood to hire out the slaves of his ward, in certain counties in Mississippi;

To amend the attachment laws;

To compensate Clark C. Ross for services rendered;

To authorize executors, administrators and guardians to collect compound interest in certain cases ;

To amend the act of February 15th, 1836, authorizing the issuance of attachments out of chancery courts ;

Also, a bill to repeal an act changing the time of holding the circuit courts of Jefferson and St. Clair, and extending the time for the courts of St. Clair, amended by the Senate ;

Which Senate bills were severally read, and ordered to a second reading.

The House then concurred in the amendment to the bill last named.

The joint resolutions from the Senate in regard to Kansas matters were read, and,

On motion of Mr. Irby, the constitutional rule was suspended, and the resolutions read the second time, and referred to the committee on Federal Relations.

Mr. Jones, from the Judiciary committee, to whom was referred the bill to repeal section 400 of the Code of Alabama, reported adversely thereto ; which report was concurred.

Mr. Pennington, from the committee on Sixteenth Section, to whom was referred the bill for the relief of William Brasseale, of Blount county, reported favorably thereto ; and the bill was ordered to be engrossed.

Mr. Hobbs, from the select committee to take into consideration the propriety of changing the seal of the State, have had the same under consideration and report the accompanying joint resolutions changing the seal of the State ; which was read, and ordered to a second reading.

Mr. Richardson, of Cherokee, introduced joint resolutions proposing amendments to the Constitution ; which were read, and ordered to a second reading.

Mr. Wood introduced joint resolutions proposing certain amendments to the Constitution of the State of Alabama ; which were read, and ordered to a second reading.

Mr. Drummond offered the following resolution :

*Be it resolved,* In all cases, when a bill shall be reported from a committee to the House, or shall be on its third reading, it shall be read entire and not by its caption only, without such reading being specially called for.

Which, on motion of Mr. Houston, was laid on the table.

Mr. Wood moved to suspend the general orders, the hour of 12 o'clock having arrived, for the purpose of considering the message just received from the Senate ; which motion prevailed.

Mr. Speaker: The Senate has passed the bill requiring the

Governor to reside at the Capitol, and fixing his salary, and has amended the same, as therein shown.

The question being on concurring in the amendment, and the Yeas were 36, nays 45.

The House refused to concur.

Yeas—Messrs. Speaker, Adams, Allen, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Dillard, Echols, Hale, Harris, Herndon, Hobbs, Houston, Huckabee, Irby, Jackson, Johnston of Perry, Jones, Mabry, Martin of Talladega, McGhee, Molton, Morgan, Murphy of Henry, Pennington, Powell, Pynes, Reedus, Remson, Scott, Slade, Smith of Coosa, Tait, Walden and Wood—36.

Nays—Messrs. Baugh, Brock, Browder, Brown of Marion, Brown of Tuscaloosa, Bulger, Calfee, Cary, Clarke, Clayton, Cloud, Denman, Drummond, Edwards, Espy, Eustace, Flournoy, Griffin, Hammond, Holly, Jeter, Kennedy, Little, Mardis, Martin of Dale, McCall, McKrae, Murphree of Pike, Nabors, Neal, Parker, Register, Reid, Richardson of Cherokee, Scarborough, Simpson, Smith of Jefferson, Smith of Lauderdale, Staton, Stiff, Talley, Warren, Weaver, Williamson and Wright—45.

Engrossed bills :

For the relief of the administrator of Peter F. Patrick ;

For the relief of George Powell, of Blount county ; were severally read the third time, and passed.

The bills :

To amend the law as to executors and administrators ;

To extend the jurisdiction of justices of the peace ;

To authorize married women owning separate estates to be sued at law ;

To define the term of office of the judge of probate ;

To amend the law in relation to appeals ;

In relation to costs in criminal cases, in which the venue is changed, were severally read the second time, and referred to the Judiciary committee together with the Senate bills ;

To reduce costs in the settlement of insolvent estates ;

To authorize Lemuel A. Gilkey, judge of probate for Pickens county, to act as guardian of Walter M. Gilkey, a minor ;

To exempt certain property from levy and sales ;

To amend the laws of attachments against steamboats ;

To authorize James Whitehead to practice law in the several courts of this State ;

To authorize the successors of sheriffs to make conveyances in certain cases ;

For the relief of witnesses and jurors in certain cases therein specified ;

To amend the law in relation to bail in civil suits ;

To amend section 2331 of the Code of Alabama ;

The bills :

To authorize the Mobile Marine Railway Insurance company to consolidate its capital stock ;

To establish a medical board in Pike county, together with Senate bill :

To incorporate the city of Eufaula ; were severally read the second time, and referred to committee on Corporations.

The bill :

For better preserving order on the day of the election, was read the second time, and referred to the committee on Privileges and Elections.

The bills :

To render the license laws for retailing spirituous liquors more efficient, together with Senate bills :

To provide for certain expenses of the government ;

To repeal an act to change the mode of assessing the tax of Butler county ; which were severally read the second time, and referred to the committee on Ways and Means.

The bills :

To extend the operations of section 2768 of the Code ;

To repeal an act to consolidate the offices of judge of probate and clerk of circuit court of Hancock county, approved February 2d, 1854 ;

To define the duties of justices of the peace and constables in the county of Coffee ; which were severally read the second time, and ordered to be engrossed.

The bills :

To prevent the adulteration of spirituous liquors ; and,

Senate bills :

For the relief of Charles T. Pollard, and others ;

To give the commissioners' court of Perry county, authority to relieve James Didlake ; which were severally read the second time, and referred to the committee on Propositions and Grievances.

The bill :

To define the right of dowers of widows, was read the second time, and referred to the committee on Divorce and Alimony.

The bill :

To amend the act to render more efficient the system of free schools in Alabama, approved February 14th, 1856, was read the second time, and referred to the committee on Education.

The bills :

To lay off Butler county into commissioners' districts, and for other purposes ;

To repeal an act to regulate the fees of probate judge of Cherokee county in issuing marriage license ; were read the second time, and ordered to a third reading.

The bill :

Requiring apportioners of roads in Pickens county to appoint overseers, and for other purposes, was read the second time, and referred to committee composed of the delegation from Pickens.

The bill :

To change the manner of appointing overseer and apportioner of roads in the county of Russell, was read the second time, and referred to committee on Roads, Bridges and Ferries.

The bill :

To compensate J. J. Ormond and A. J. Nickolson for services rendered the State, was read the second time, and referred to committee on Accounts and Claims.

The bill :

To allow the Fall term of the circuit court of Coffee county to remain in session two weeks, was read the second time ; and, On motion of Mr. Murphree, of Pike, laid on the table.

On motion, the House adjourned till 10 o'clock, to-morrow morning.

FRIDAY, November 27th, 1857.

The House met pursuant to adjournment.

The journal was read and approved.

Prayer by the Rev. Mr. Shaver.

Leave of absence was granted to Mr. Hames, assistant clerk, until Tuesday morning next ; also,

To Messrs. McCall and Tait, until Monday morning next.

Mr. Speaker laid before the House a record of divorce ; which was referred to the committee on Divorce and Alimony.

#### CALL OF THE COUNTIES.

Bills were introduced by :

Mr. Scarborough : to secure the right of way to owners of swamp lands to drain the same ;

Mr. Adams : to amend section 3992 of the Code ;

Mr. Warren : to authorize the voters of Coffee county, to elect a tax collector ;

Mr. Irby : to amend the laws in relation to lunatics and persons *non compos mentis* ;

Mr. Little : to locate the county site of Hancock county ;

Mr. Scott: to amend paragraph 17, section 397 of the Code of Alabama;

Mr. Sheffield: to amend the charter of the Winchester and Alabama Railroad company, approved 25th January, 1856;

Mr. Brown, of Marion: to repeal section 396 of the Code;

Mr. Chamberlain: to improve section 2319 and 2320 of the Code of Alabama; also,

To amend the Road road laws in the county of Mobile; also,

Authorizing the appointment of a general administrator and guardians, and other purposes;

Mr. Herndon: to repeal an act therein named regulating the sessions of the circuit and city courts of Mobile county;

Mr. Dillard: to regulate the rails or polls for crossways on road in Montgomery county, with a petition;

Mr. Nabors: to repeal an act entitled an act to amend the patrol law in Pickens county;

Mr. Houston: authorizing the commissioners' court to apply six hundred dollars out of fines and forfeitures to make the office of judge of probate fire proof; also,

Authorizing the judge of probate to pay justices of the peace and constables for their services, prosecuting defaulting road hands;

Mr. Baugh: for the relief Robert C. Torrey, of Benton county; were severally read the second time, and ordered to a third reading.

Mr. Houston presented the account of Joshua Lyon, tax collector for Sumter county; which was referred to committee Accounts and Claims.

Mr. Drummond moved to reconsider the vote by which the House refused to concur in the amendment of the Senate, to the House bill requiring the Governor to reside at the Capitol, and fixing his salary.

Mr. Brown, of Marion, moved to lay the motion to reconsider on the table; and,

The yeas and nays were called.

The motion to lay on the table was lost.

Yeas 38, nays 44.

Yeas—Messrs. Baugh, Brock, Browder, Brown of Marion, Bulger, Cary, Clarke, Cloud, Deuman, Edwards, Espy, Eustace, Flournoy, Griffin, Hammonds, Holly, Johnson of Tallapoosa, Kennedy, Majors, Mardis, Martin of Dale, McCall, McRae, Nabors, Neal, Reid, Richardson of Cherokee, Scarborough, Sheffield, Simpson, Smith of Jefferson, Staton, Stiff, Talley, Warren, Weaver, Williamson and Wright—38.

Nays—Messrs. Speaker, Adams, Allen, Bell of Franklin, Bell



of Talladega, Boatright, Bradley, Brown of Tuskalooza, Bulger, Calfee, Chamberlain, Clayton, Dillard, Drummond, Echols, Goode, Hale, Harris, Herndon, Hobbs, Houston, Huckabee, Irby, Jackson, Jeter, Johnston of Perry, Jones, Martin of Talladega, McGhee, Molton, Murphree of Pike, Murphy of Henry, Parker, Pennington, Powell, Pynes, Reedus, Register, Remson, Scott, Slade, Smith of Coosa, Smith of Lauderdale, Walden and Wood—44.

The question then was upon concurring in amendment of the Senate; and,

The yeas and nays were called.

The House refused to concur.

Yeas 37, nays 48.

Yeas—Messrs. Speaker, Adams, Allen, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brewer, Chamberlain, Dillard, Drummond, Echols, Goode, Hale, Harris, Herndon, Hobbs, Houston, Huckabee, Irby, Jackson, Jones, Martin of Talladega, McGhee, Molton, Morgan, Murphy of Henry, Pennington, Powell, Pynes, Reedus, Remson, Scott, Slade, Smith of Coosa, Walden and Wood—37.

Nays—Messrs. Baugh, Brock, Brown of Marion, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Cary, Clarke, Clayton, Cloud, Denman, Edwards, Espy, Eustace, Flournoy, Griffin, Hammonds, Holly, Jeter, Johnston of Perry, Johnson of Tallapoosa, Kennedy, Little, Majors, Mardis, Martin of Dale, McCall, McRae, Murphree of Pike, Nabors, Neal, Register, Reid, Richardson of Cherokee, Scarborough, Sheffield, Simpson, Smith of Jefferson, Smith of Lauderdale, Staton, Stiff, Talley, Warren, Weaver, Williamson and Wright—48.

Mr. Irby, from the committee on Ways and Means, to whom was referred the bills:

To amend section 2767 of the Code, so far as the same relates to the county of Dale;

To authorize the sheriff of Wilcox county to collect fees in certain cases;

To increase the amount of tax on peddling in Dale county;

In relation to assessment of tax in certain cases; and

The resolution in relation to direct trade with Europe; reported adversely thereto; and which reports were severally concurred in.

#### REPORTS FROM THE JUDICIARY COMMITTEE.

Mr. Jones reported adversely to the bill to dispense with the

service of minor defendants by serving the guardians with subpoena; also,

Adversely to the bill to regulate the fees of marriage license in St. Clair county.

Mr. Brown, of Marion, moved to lay the report on the table.

The motion was lost.

Also, adversely to the bill to authorize the administrator on the estate of William Townes to sell and convey real estate.

Mr. Bulger moved to lay the report on the table.

Said motion was lost; and said reports were severally concurred in.

Mr. Jones reported back to the House the bill to authorize magistrates in beats numbers 4 and 5, in Montgomery, to appoint special constables in said beats, and recommended that it be referred to a select committee, composed of the delegation from Montgomery county; which was concurred in.

Mr. Jones reported favorably to the bill to amend the law in regard to bail in civil actions; also,

Reported amendments to the bill to amend the insolvent debtors law, as follows:

Amend the first section by inserting the words "the first paragraph of" after the words "provisions of," and by adding to the said section the words "and thereupon, a trial shall be had as now provided by law, in cases where the schedule is controverted;"

Amend the second section by striking out words "intentionally false," and inserting words "untrue;" also,

Favorably to the bill in relation to the duties of judge of probate and commissioners' court of the county of Pickens;

Mr. Drummond moved to re-commit the bill, with instructions to make the bill general.

The motion was lost, and the bills were severally ordered to be engrossed.

Mr. Hale, from the committee on the Judiciary, to whom was referred a bill for the relief of William F. Webb and his securities, reported the same back to the House, with amendments, as follows, and recommended its passage, as amended, viz: "Amend the 2d section of the bill by striking out, all after the word "paid," in the 5th line thereof, and inserting the following: "to the commissioners and trustees of the bank, on account of such indebtedness, without any interest thereon: *Provided*, the said William T. Webb will first surrender up to the commissioner and trustee, the obligation for titles given by the bank to said Washington M. Smith and A. F. Alexander;" which amendment was adopted, and the bill ordered to be engrossed.

The hour of 12 o'clock M., having arrived, the hour fixed by this House for the consideration of the general orders,

On motion of Mr. Powell, the consideration of the general orders was suspended for the purpose of allowing standing committees to report

Mr. Martin, from the committee on Federal Relations, to whom was referred various resolutions, reported that said committee have had the same under consideration and have unanimously instructed me to report back to the House the resolution adopted by the Senate on the 25th instant, and to recommend their adoption.

Mr. Powell moved to amend as follows: Strike out the second resolution and insert the following:

*Resolved*, 1st. That the resolutions official and political between Robert J. Walker and President Buchanan, previous to the appointment of the former as Governor of Kansas, afford a presumption almost conclusive, that the views and opinions as to the policy subsequently adopted and carried out in the discharge of his official duties, were not unknown to the President.

2d. That this presumption is strengthened by the repeated and uncontradicted declarations of Governor Walker of the agreement of the President in his views, and that the same were fully understood and approved by the President before his appointment as such Governor.

3d. That the failure of the President to recall or even censure Governor Walker, leaves little, if indeed, any doubt of his full concurrence in his policy and conduct, and of his infidelity to the South and hostility to the institution of slavery.

4th. Upon the principal that an agent should not be censured in stronger or more direct terms, than the principal who advised and approved or even suffered the acts complained of, when it was in his power to have prevented them; and that any condemnation by the President of the acts of Governor Walker after the mischief has been perpetrated, should, and would be regarded by the people of Alabama, as being wholly insufficient.—Therefore,

*Resolved*, That President Buchanan and his cabinet, will, and ought to be held fully responsible for the management and termination of affairs, under the administration of Governor Walker of Kansas.

2d. Amend the third resolution by inserting between the words "Kansas" and "acting," the words, "being citizens of the United States."

On motion of Mr. Johnston, of Perry, the amendment was laid on the table.

Yeas 74, nays 13.

Yeas—Messrs. Speaker, Adams, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskaloosa, Bulger, Calfee, Caldwell, Cary, Chamberlain, Clayton, Cloud, Colbert, Denman, Drummond, Edwards, Espy, Eustace, Goode, Griffin, Hammonds, Harris, Herndon, Hobbs, Houston, Irby, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Little, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Pennington, Pynes, Reedus, Register, Reid, Remson, Richardson of Cherokee, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Staton, Stiff, Talley, Walden, Warren, Weaver, Williamson Wood and Wright—74.

Nays—Messrs. Bradley, Clarke, Dillard, Echols, Flournoy, Hale, Holly, Huckabec, Jackson, Molton, Morgan, Powell and Thompson—13.

On motion of Mr. Martin, of Talladega, the constitutional rule was suspended, and the resolutions read the third time, and adopted.

Yeas 85, nays 3.

Yeas—Messrs. Speaker, Adams, Allen, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brewer, Browder, Brown of Marion, Brown of Tuskaloosa, Bulger, Calfee, Caldwell, Cary, Chamberlain, Clarke, Clayton, Cloud, Denman, Drummond, Echols, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Hobbs, Holly, Houston, Huckabec, Irby, Jackson, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Little, Mabry, Majors, Martin of Dale, Martin of Talladega, McCall, McGhee, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Pennington, Powell, Pynes, Reedus, Register, Reid, Remson, Richardson of Cherokee, Scarborough, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Staton, Stiff, Talley, Thompson, Walden, Warren, Weaver, Williamson, Wood and Wright—85.

Nays—Messrs. Brock, Dillard and Mardis—3.

Message from the Senate :

Mr. Speaker: The Senate insists upon the amendment to the House bill requiring the Governor to reside at the Capitol, and fixing his salary.

Mr. Dillard, from the committee on the Capitol, reported a bill to improve the grounds of, and repair the Capitol.

The said bill was read the first time, and ordered to a second reading.

Mr. Wood, from the committee on Banks and Banking, to whom was referred the resolution, that a committee of three be appointed by the House to act with a like committee on the part of the Senate, to enquire of the president and directors of the Central Bank if they are now prepared to fulfill the requirements of rule 2d, of section 16, requiring them to procure and always keep on hand gold and silver, in proportion, of not less than one fourth of the amount of the bills it shall have in circulation; and if withdrawn, have they immediately proceeded to replace the deficiency, have had the same under consideration, and have instructed me to report that the object of said resolution has been obtained by a sworn statement of the condition of said Bank placed in the hands of said committee by the officers thereof, showing a general statement of the Central Bank of Alabama, Tuesday evening, 24th November, 1857, which is herewith submitted; they therefore report that it is unnecessary to pass said resolutions.

Which report was concurred in.

Mr. Powell, from the committee on Banks and Banking, reported favorably to the bill to repeal certain sections of an act therein named, in relation to banking; which was made the special order for Tuesday next, at fifteen minutes past eleven o'clock, A. M.

Mr. Herndon, from the same committee, reported amendments to the bill more effectually to prevent banks of other States from carrying the business of banking on in this State, which are as follows:

1st. Amendment—After the word "person," in the first line of section two, insert the words, "corporation or mercantile firm."

2d. Amendment—After the word "person," in the third line of section second, insert the words, "corporation or mercantile firm."

3d. Amendment—Strike out the word "he" where it occurs in the sixth line of section two, and in lieu thereof, insert the words, "such person, corporation or mercantile firm."

4th. Amendment—After the word "person," in the first line of section three, insert the words, "corporation or mercantile firm."

5th. Amendment—After the word "person," in the first line of section four, and insert the words, "and every officer of any corporation or member of mercantile firm"; which, on motion of Mr. Herndon, was made the special order for the hour of 11 o'clock, on Wednesday next.

Mr. Wood, from the committee on Banks and Banking, re-

ported favorably to the bill to repeal an act therein named, in relation to the deposit of money in the Savings Bank of Mobile.

Mr. Irby moved to suspend the reports for the purpose of taking up a message from the Senate in regard to the bill requiring the Governor to reside at the Capitol, and fixing his salary.

The motion prevailed, and the message was read.

Mr. Goode moved to suspend the further consideration of the message from the Senate to allow him to offer a resolution.

Mr. Griffin moved to adjourn.

The motion was lost, and the motion of Mr. Goode prevailed.

Mr. Goode then offered the following resolution:

*Resolved*, That the Speaker appoint a committee of three on the part of the House, to confer with a like committee on the part of the Senate, in reference to increasing the Governor's salary, and compelling him to reside at the Capitol of the State.

Said resolution was lost.

Mr. Brown, of Marion, moved that the House adhere to its disagreement.

Mr. Goode moved to adjourn.

Said motion was lost.

And after some discussion, on motion of Mr. Edwards, the House adjourned until 10 o'clock, to-morrow morning.

SATURDAY, November 28th, 1857.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Hill.

The journal was read and approved.

Leave of absence was granted to Mr. Allen.

#### CALL OF COUNTIES.

And bills were introduced by :

Mr. Speaker (Mr. Irby in the chair :) for the relief of John L. Peane, guardian, &c. ;

Mr. McRae : to provide for the summary punishment of slaves for capital offences, by amending section 3316 of the Code ;

Mr. Clayton : to repeal the law authorizing the emancipation of slaves ;

Mr. Goode : to cause the county treasurer of Clarke county to be elected by the qualified voters thereof ;

Mr. Mabry : to incorporate the Alabama Bible and Colporteur's Society ;

Mr. Little : to change the name of the county of Hancock ; .

Mr. Pynes : to compensate guards ;

Mr. Hobbs: to render and consolidate into one, the several acts incorporating the town of Athens, in Limestone county;

Mr. Scott; to amend section 3116 of the Code of Alabama;

Mr. Sheffield: to authorize James Dellet Porter to practice law;

Mr. Jones: to fix the mode of conveying estates of husband and wife, and for other purposes;

Mr. Chamberlain: to exempt burying grounds from sale under execution, or other legal process;

Mr. Morgan: to amend section 1953 of the Code of Alabama;

Mr. Houston: requiring auctioneers to take out license, &c.;

Mr. Martin, of Talladega: to amend the law in relation to appeals from justices courts;

Mr. Martin, of Talladega: authorizing the filing of bills in chancery, in certain cases; which were severally read, and ordered to a second reading;

Mr. Brewer presented the account of J. L. Gildus;

Mr. Slade presented the account of J. W. Faith; which accounts were referred to committee on Accounts and Claims.

Mr. Griffin, from the committee on Privileges and Elections, reported favorably to the bill authorizing the county commissioners in the county of Covington to establish one or more places of voting in each election precinct; which was read, and ordered to be engrossed;

Mr. Drummond, from the committee on Divorce and Alimony, reported adversely to the bill to divorce certain persons therein named; which was concurred in.

Mr. Staton, from the committee on Accounts and Claims, reported favorably to the bill to compensate J. J. Ormond and A. S. Nickolson; which was ordered to a third reading.

Mr. Hobbs, from the committee on Education, to which was referred the memorial of F. F. Houck, on the subject of establishing a school for the blind, and the message of the Governor, relating thereto, have had the same under careful consideration and have instructed me to report the accompanying bill, and recommend its passage:

A bill to establish a school for the blind: which was read and ordered to a second reading.

Mr. Staton, from the committee on Accounts and Claims, to whom was referred the account of David C. Webb, reported a bill for the relief of David C. Webb, sheriff of Cherokee county; which was read and ordered to a second reading.

Mr. Walden, from the committee on Internal Improvements, to whom was referred the bill to amend the charter of the Mo-

bile Bay Road company, reported favorably thereto; which bill was ordered to be engrossed.

Mr. Morgan, from the committee on Propositions and Grievances, to whom was referred the bill to prevent the adulteration of liquors, &c., reported favorably thereto; which bill was then ordered to be engrossed.

Mr. Griffin, from the committee on Privileges and Elections, to whom was referred the bill to authorize the people of Pike county to elect a county surveyor of said county, reported favorably thereto; which bill was ordered to be engrossed.

Mr. Staton, from the committee on Accounts and Claims, to whom was referred the various accounts of E. H. Ustick, jailor of Sumter county, John W. Clarke, sheriff of Barbour county, George M. C. Meems, for carrying prisoners from Hancock to Lawrence county jail, have had the same under consideration, and have instructed me to report, that the law provides for the settlement of said accounts, and that the introducers be permitted to withdraw the same; which was concurred in.

Mr. Herndon moved to reconsider the vote by which the House concurred in the adverse report from the Judiciary committee, to the bill to authorize the administrators of Wm. Towns, sell and convey real estate. The motion prevailed, and the vote was reconsidered.

On motion of Mr. Bulger, the adverse report of the committee was laid on the table.

Mr. Bulger moved to amend as follows: strike out "for cash or on a credit," when it occurs and insert in lieu thereof "on a credit of not less than one, nor more than two years;" which was adopted.

The bill, as amend, was then ordered to be engrossed.

Yeas 73, nays 11.

Yeas—Messrs. Speaker, Baugh, Bell of Talladega, Boatright, Bradley, Brewer, Brock, Brown of Marion, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Cary, Chamberlain, Clarke, Clayton, Cloud, Coleman, Denman, Dillard, Echols, Edwards, Espy, Flournoy, Goode, Griffin, Hammonds, Harris, Herndon, Holly, Houston, Irby, Jackson, Jeter, Johnston of Perry, Johnson of Tallapoosa, Kennedy, Little, Mabry, Majors, Martin of Dale, Martin of Talladega, McGhee, McRae, Molton, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Pennington, Powell, Pynes, Reedus, Register, Reid, Remson, Richardson of Cherokee, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Staton Stiff, Talley, Thompson, Warren, Weaver, Williamson and Wood—73.



Nays—Messrs. Bell of Franklin, Drummond, Eustace, Hale, Hobbs, Jones, Mardis, Morgan, Scott, Walden and Wright—11.

The hour of 11 o'clock having arrived, the House proceeded to the consideration of the special order, it being the bill to amend the charter of the town of Cahawba; the question being shall the bill pass?

On motion of Mr. Nabors, the bill was laid upon the table.

Message from the Senate:

Mr. Speaker: The Senate has originated and passed the following bills:

In relation to the payment of taxes;

More effectually to secure the attendance of witnesses in chancery suits; also,

The House bill:

In regard to the administration of oaths.

Passed.

The Senate refuses to pass the House bill declaring Alfred Hodges a citizen of Covington county.

Mr. Williamson, from the committee on Enrolled Bills, to whom was referred the following bills, find them correctly enrolled:

To elect the county surveyor and county treasurer of Hancock county, by the people;

To repeal an act entitled an act amending the road law in Henry county;

To repeal an act to amend the road laws in Cherokee county, approved 2d February, 1856;

To divorce Elizabeth Ricks from her husband, Alfred Ricks;

To repeal an act changing the time of holding the circuit court of Jefferson and St. Clair, and extending the time for the county of St. Clair;

To divorce Lewis King from his wife, M. J. King;

To extend the Fall term of the circuit court of Covington county;

To require the president of the Tennessee and Coosa Railroad to report semi-annually to the Governor;

To repeal in part an act therein named.

Mr. Jones moved to suspend the business before the House, to introduce a resolution:

The motion prevailed.

*Resolved*, That the Speaker of this House be authorized to appoint more than nine members to standing committees, when he deems it necessary or proper so to do; which was adopted.

Mr. Brewer moved to suspend the special order, for the pur-

pose of taking from the table, the bill to elect a county treasurer of Coosa county, by the people; which motion was lost.

The House then proceeded to the consideration of the special order, it being the bill to repeal an act entitled an act to make the circuit court judges rotate throughout the State, and for other purposes, the question being upon the adoption of the amendment of Mr. Wood, moved on the 20th; which was adopted.

Mr. Hale moved the following amendment:

Strike out the 1st section of the bill and insert, "that the judges of the circuit of this State be required to rotate at each spring term of the circuit court and that they respectively preside in their own courts at the fall term of their circuit; *Provided*, however, that the sixth judicial circuit shall be excepted from the operation of this act."

Mr. Staton moved the previous question, and,

Mr. Speaker (Mr. Irby in the chair) announced, shall the main question be now put.

Yeas 55, nays 26.

The previous question was sustained.

Yeas—Messrs. Speaker, Adams, Baugh, Bell of Talladega, Boatright, Brewer, Brock, Brown of Marion, Caldwell, Cary, Chamberlain, Cloud, Cullum, Denman, Drummond, Echols, Edwards, Espy, Eustace, Goode, Griffin, Hammonds, Herndon, Holly, Huckabee, Jeter, Johnston of Perry, Jones, Kennedy, Little, Majors, Martin of Dale, Martin of Talladega, Molton, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Pennington, Pynes, Register, Reid, Remson, Richardson of Cherokee, Sheffield, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Staton, Stiff, Talley, Thompson, Warren, Weaver, and Williamson—55.

Nays—Messrs. Bell of Franklin, Bradley, Browder, Brown of Tuskalooza, Bulger, Clarke, Clayton, Hale, Harris, Hobbs, Houston, Irby, Jackson, Johnson of Tallapoosa, Mabry, Mardis, McRae, Morgan, Powell, Reedus, Scott, Simpson, Smith of Lauderdale, Walden, Wood and Wright—26.

Mr. Jones moved to reconsider the vote by which the House sustained the previous question; and,

On motion of Mr. Wood the motion of Mr. Jones was laid on the table.

The bill was then ordered to be engrossed.

Mr. Hobbs moved to suspend the general orders to allow him to introduce a resolution.

Lost.

And on motion, the House adjourned until half after 9 o'clock on Monday next.

MONDAY, November 30th, 1857.

House met pursuant to adjournment.

The journal of Saturday was read and adopted.

Mr. Speaker announced Mr. Chamberlain upon committees on Ways and Means, and Banks and Banking.

Mr. Speaker also laid before the House a record of divorce, which was referred to committee on Divorce and Alimony.

#### CALL OF COUNTIES.

Bills were introduced by :

Mr. Irby : to change the time of holding the Fall term of the chancery court of Dallas county, with a memorial, which was read, and on motion of Mr. Irby, the constitutional rule was suspended, the bill was then read the second and third times forthwith and passed ;

Mr. Eustace : presented the account of J. J. Sublett, which was referred to the committee on Accounts and Claims ;

Mr. Clark : To amend the law of appeals from circuit and chancery courts ;

Mr. McGhee : for the relief of O. P. NeSmith ;

Mr. Griffin ; to establish election precincts in the several counties of this State, and for other purposes ;

Mr. Jones : to compensate ——— Pollard ;

Mr. Nabors : to amend section 2471 of the Code ;

Mr. Irby : to prevent frauds on the revenue, and for other purposes ;

Which bills were severally read the first time and ordered to a second reading.

Mr. Harris : to provide for the administration of John Troup, deceased, which was read, and under a suspension of the constitutional rule, read the second time and referred to the committee on the Judiciary.

Mr. Powell presented the petition of Thomas M. Hendon and others, which was referred to a select committee composed of the delegations from Tuscaloosa and Jefferson.

Mr. Echols, moved to suspend the business before the House for the purpose of taking up and considering the bill providing for the holding of an extra term of the circuit court at Macon county, which prevailed ; the engrossed bill was then read the third time and passed, and ordered forthwith to the Senate.

Mr. Hale, moved to suspend all business before the House for the purpose of disposing of the bill requiring the Governor to reside at the capital, and fixing his salary, question being upon

the motion of Mr. Brown, of Marion, which prevailed; the bill was then ordered to the Senate forthwith.

The yeas and nays were called, on motion of Mr. Brown of Marion.

Yeas 46, nays 36:

Yeas—Messrs. Adams, Baugh, Brock, Browder, Brown, of Marion, Brown of Tuscaloosa, Bulger, Caldwell, Cary, Clarke, Clayton, Cloud, Coleman, Denman, Edwards, Espy, Eustace, Flor-  
noy, Griffin, Hammonds, Holly, Jeter, Kennedy, Majors, Mardis, Martin of Dale, McRae, Morgan, Murphree of Pike, Nabors, Neal, Parker, Pennington, Reid, Sheffield, Simpson, Smith of Jefferson, Smith of Lauderdale, Staton, Stiff, Talley, Thompson, Warren, Williamson and Wright.—46.

Nays—Messrs. Speaker, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brewer, Chamberlain, Dillard, Drummond, Echols, Goode, Hale, Harris, Herndon, Hobbs, Houston, Huck-  
abee, Irby, Jackson, Johnston of Perry, Jones, Mabry, Mar-  
tin of Talladega, McGhee, Murphy of Henry, Pynes, Reedus, Register, Remson, Scott, Slade, Smith of Coosa, Smith of Randolph, Walden and Wood.—36.

Mr. Irby, from the committee on Ways and Means, to whom was referred the bill for the relief of Mrs. Miriam M. Rattenber-  
ry, reported an amendment, as follows:

SEC. 3. *And be it further enacted*, That all laws conflicting with the provisions of this act, be and the same are hereby re-  
pealed, as far as regards this act; which was adopted, and the bill as amended, ordered to be engrossed.

Mr. Jones, from the Judiciary committee, reported favorably to the bills:

To repeal an act therein named, approved January 18th, 1845;

To increase the pay of regular and tales jurors in the county of Choctaw;

To authorize the executrix of the will of Abram Burke, to move the administration and property of said estate from the county of Coffee to the county of Barbour;

To regulate the pay of jurors in Coffee county;

To amend section 3500 of the Code;

For the relief of Catherine J. Reid;

To amend section 2175 of the Code of Alabama; which bills were severally ordered to be engrossed.

Message from the Senate:

Mr. Speaker: The Senate has originated and passed a joint memorial to the Congress of the United States, in relation to the coal fields, in which they ask the concurrence of the House.

The Senate has also adopted the following resolution:

*Resolved*, That a committee of three be appointed on the part of the Senate to act with a like committee on the part of the House, to make suitable arrangements for the inauguration of the Governor on the first day of December, proximo.

Committee on the part of the Senate, Messrs. Agee, Rather and Felder.

House concurred in the resolution, and Messrs. Smith of Lauderdale, Irby and Scarborough, committee on the part of the House.

The Senate recedes from its amendment to the bill to require the Governor to reside at the capitol and fixing his salary ;

Also passed the following bills :

To amend the act to incorporate the town of Claiborn ;

To regulate the pay of jurors and witnesses in the county of Jackson ;

In relation to specie payments by the Mobile Savings company ;

To repeal an act to provide for a Geological survey of the State, approved the 30th of February, 1854 ;

The Senate has concurred in the resolution of the House, to bring on the election of State comptroller, treasurer, superintendent of public education, &c., by amending it as follows :

“Strike out the 30th, and insert in lieu thereof, the 8th of December, and also, to strike out the election for adjutant general and quarter-master general.”

Mr. Jones, from the Judiciary committee, reported an amendment to the bill to extend the provisions of section 2451, of the Code of Alabama, as follows :

By striking out the words “section 2451,” and inserting in lieu thereof, the words “sections 2451, and 2605 ;” which was adopted, and the bill as amended ordered to be engrossed.

Mr. Jones, from the Judiciary, reported adversely to the bills :

To regulate the pay of witnesses in criminal cases ;

To cause all suits brought in justices' courts, to be docketed at the first term, and to make it lawful for constables to leave a copy of the summons at the usual place of residence ;

To amend section 3173, and to repeal 3174 of the Code ;

To amend sections 3796 and 3797 of the vagrant law ; which reports were severally concurred in.

Mr. Jones, from same committee, reported adversely to the bill reducing the fees of the judge of probate on annual settlements of executors, administrators and guardians.

Mr. Neal moved to lay the report on the table.

Lost.

The report was then concurred in.

Mr. Jones, from the Judiciary committee, reported an amendment to the bill :

To amend section 1860 of the Code of Alabama.

Strike out all after the enacting clause, and insert the following :

“That when any judgment shall be certified to the probate court, under section 1860 of the Code of Alabama, the clerk so certifying the same, shall be authorized to demand of the plaintiff in said judgment, payment of his costs incurred in obtaining the same, and if said plaintiff shall fail or refuse for — days after the payment is so certified, execution may issue against him for the same”; which was adopted, and ordered to be engrossed.

Mr. Register, from the committee on Roads, Bridges and Ferries, reported favorably to the bill to authorize justices of the peace to apportion hands on the roads in Pickens county, &c. ; which was ordered to be engrossed.

Mr. Jones, from the Judiciary committee, reported favorably to the bill, to make stockholders in railroad companies competent witnesses; which was ordered to be engrossed.

Mr. Jones, from the Judiciary committee, reported adversely to the bill to amend section 3568 of the Code, in its application to the counties of Marshall, Walker, Blount and Marion.

Mr. Brown, of Marion, moved to lay the report on the table ; which motion was lost.

Question then was upon concurring in the report, and the yeas and nays were called.

Yeas 28, nays 46.

Yeas—Messrs. Adams, Bell of Franklin, Bell of Talladega, Bradley, Brown of Tuscaloosa, Clarke, Cullum, Dillard, Drummond, Hale, Harris, Herndon, Irby, Jackson, Jones, Kennedy, Mabry, Martin of Talladega, Morgan, Pennington, Register, Remson, Scott, Slade, Smith of Lauderdale, Smith of Randolph, and Wood—28.

Nays—Messrs. Speaker, Baugh, Boatright, Brewer, Brock, Browder, Brown of Marion, Bulger, Chamberlain, Clayton, Cloud, Coleman, Edwards, Espy, Eustace, Flournoy, Griffin, Hammonds, Holly, Houston, Huckabee, Jeter, Johnston of Perry, Little, Mardis, Martin of Dale, McGhee, McRae, Murphy of Henry, Nabers, Neal, Parker, Pynes, Reid, Richardson of Cherokee, Sheffield, Simpson, Smith of Coosa, Staton, Stiff, Talley, Thompson, Walden, Warren, Weaver and Williamson—46.

Mr. Bulger moved to strike out Marshall, Walker, Blount and Marion, with the proviso, “that they are not detained by said subpoena longer than the day on which they were summoned,” to come in at the end of first section of the bill.

Mr. Wood moved to recommit the bill to the Judiciary committee.

Mr. Drummond moved to lay the bill and amendment on the table.

Lost.

The question then was upon the motion of Mr. Wood, and the motion prevailed.

Mr. Williamson, from the committee on Enrolled Bills, reported the bill requiring the Governor to reside at the capitol, and fixing his salary, as correctly enrolled.

Mr. Martin, of Talladega, moved to reconsider the vote by which the House ordered the bill, to make stockholders in railroad companies competent witnesses.

The motion prevailed.

Mr. Harris moved to amend as follows :

" *Provided*, that if in any case any share-holder or stockholder shall be introduced as a witness, the party litigant against whom such witness may be introduced may also testify."

Adopted.

Mr. Clark moved to lay the bill and amendment on the table.

Lost.

The bill as amended was then ordered to be engrossed.

Mr. Smith, of Lauderdale, by leave of the House, made the following report :

The joint committee on the part of the House appointed to make arrangements for the inauguration of the Governor elect, on the first proximo, have performed their duty, and instruct me to report that a procession will be formed according to the programme to be published in to-morrow mornings papers ; that the two Houses will assemble in the Hall of the House of Representatives, at 12 M., on the first day of December, proximo, when the committee will escort the Governor elect, to the Speakers chair, at which time the oath of office will be administered to him, and he will deliver his inaugural address ; the report was concurred in.

Mr. Irby moved to suspend the call for reports to introduce a resolution.

The motion prevailed.

*Resolved*, That reports from standing committees shall be called and received in the order in which they appear upon the list, and that the Speaker commence the call each day at the point where he left off on the preceeding day, and to continue from day to day until all the committees have had an opportunity to report ; which was adopted.

Mr. Wood, from the committee on Banks and Banking, to

whom was referred a resolution for a committee to examine the banks, reported adversely thereto; which was concurred in.

Mr. Irby, from the committee on Ways and Means, to whom was referred the bill for the relief of Wm. G. Swanson, of Macon county, reported favorably thereto; and the bill was ordered to be engrossed.

Mr. Irby, from the committee on Ways and Means, to whom was referred a Senate bill, to provide for certain expenses of the government, reported adversely thereto; which report was concurred in.

Mr. Griffin, from the committee on Privileges and Elections, to whom was referred the bill authorizing the qualified voters of Conecuh county to elect a tax assessor for the term of two years, reported favorably thereto; which bill was ordered to be engrossed.

Message from the Governor:

Mr. Speaker: The Governor has approved the bill to be entitled an act, requiring the Governor to reside at the capitol, and fixing his salary.

Mr. Jones, from the Judiciary committee, reported adversely to the bill for the benefit of the circuit clerk of Cherokee county.

Upon motion of Mr. Jones, the report was laid on the table.

Mr. Jonston moved to amend:

*Provided*, That when the court holds six days, the clerk have ten days to issue execution; when the court holds two weeks, the clerk have fifteen days, and when the court holds three weeks he have twenty days; which amendment was adopted, and the bill as amended was ordered to be engrossed.

Mr. Brewer moved to suspend the general orders, to take from the table, the bill to elect the county treasurer of Coosa county by the people; which motion was lost.

Mr. Huckabee moved to suspend the general orders to allow the standing committees to report; which was lost.

Engrossed bills:

To repeal an act entitled an act to make the circuit court judges rotate throughout the State, and for other purposes;

To prevent the adulteration of liquors, &c.;

To authorize the people of Pike county to elect the county surveyor of said county;

To amend the charter of the Mobile Bay Road company;

To authorize the administrator of William Towns to sell and convey real estate;

Authorizing the courts of county commissioners in the county of Covington to establish one or more places for voting in each election precinct;



In relation to the duties of the judge of probate and commissioners' court of the county of Pickens;

To repeal an act therein named relating to the deposit of monies in the Savings Bank of Mobile;

To amend the insolvent debtors law;

For the relief of William T. Webb and his sureties;

To define the duties of justices of the peace and constables in the county of Coffee;

To prevent the levy of an execution on a growing crop;

To repeal an act to consolidate the offices of judge of probate and clerk of the circuit court of Hancock county, approved February 2d, 1854;

To divorce Elizabeth Elliott from her husband, Robert Elliott, and to divorce other persons therein named;

Concerning register in chancery;

For the relief of certain persons therein named; which bills were severally read the third time and passed.

Senate bills:

To repeal an act to regulate the fees of the probate judge of Cherokee county, in issuing marriage licenses;

To lay off Benton county into commissioners' districts, and for other purposes;

To compensate J. J. Ormond and A. S. Nicholson for services rendered the State; which were read the third time and passed.

Engrossed bill:

To alter the time of holding the Spring term of the circuit courts of Pike and Coffee counties; which were read the third time, and on motion of Mr. Murphree, of Pike, was postponed until Thursday week.

Engrossed bill:

For the relief of William Braswell, of Blount county, was read the third time, and on motion of Mr. Staton, amended by way of engrossed ryder, which was read the first, second and third times, and the bill passed.

Engrossed bill:

To extend the operation of section 2768 of the Code; and read the third time,

On motion of Mr. Clarke amended by way of engrossed ryder as follows:

SEC. 2. Any law to the contrary notwithstanding; which was read the first, second and third times.

The bill then passed.

Engrossed bill:

To amend the law in regard to bail in civil actions; was read the third time.

On motion of Mr. Hale amended by way of engrossed ryder, after 2177, add, "or any other law which now is or may hereafter be in force in relation to bail in civil cases;" which was read the first, second and third times, and the bill passed.

Senate bills:

To amend the attachment laws;

To authorize L. V. Underwood to hire out the slaves of his wards in certain counties in Mississippi;

To amend the act of February 15th, 1856, authorizing the issuance of attachments out of chancery courts;

To authorize executors, administrators and guardians to collect compound interest in certain cases; were severally read the second time and referred to the committee on the Judiciary.

Senate bill:

To compensate Clark Cross, for services rendered, was read the second time, and referred to the committee on Accounts and Claims.

Joint resolutions changing the seal of the State.

House bills:

For the relief of Wm. J. Mimms, administrator, and Geo. W. Zeigler, of Autauga county;

For the relief of defendants in execution, were severally read the second time and ordered to be engrossed.

Joint resolutions:

Proposing amendments to the Constitution of the State of Alabama;

To amend the 5th section of the 6th article, and the 10th section of the same article of the Constitution of the State of Alabama, were severally read the second time, and referred to the committee on Constitutional Amendments.

Half after 1 o'clock having arrived. the House adjourned until half after 3 o'clock, P. M.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Speaker laid before the House a record of divorce; which was referred to the committee on Divorce and Alimony.

House proceeded to the consideration of the general orders:

The bills:

To compel plaintiffs in civil actions to give security for costs in certain cases;

To amend section 2447 of the Code;

To change the time of holding chancery courts for the 58th and 39th districts, northern division of Alabama;

To amend the patrol law of Alabama ;  
 To prevent nuisances and illegal trafficking with slaves ;  
 Requiring trustees managing trust property to make annual settlements ;

To secure the attendance of witnesses before grand juries ;

To amend paragraph 17 of section 397 of the Code of Alabama ;

To amend section 3992 of the Code ;

To amend the laws in relation to lunatics and *non compos mentis* ;

To improve sections 2319 and 2320 of the Code of Alabama ;

Authorizing general administrators and guardians, and for other purposes ;

To amend the patrol law in Pickens county ;

For the relief of Robert C. Torry, of Benton county ; which were severally read the second time and referred to the Judiciary committee.

The bill :

To correct the evils arising from camp hunting, was read the second time, and referred to the committee on Propositions and Grievances.

Message from the Governor :

Mr. Speaker : The Governor has approved a bill to require president of the Tennessee and Coosa Railroad, to report semi-annually to the Governor, &c.

The joint resolutions :

To take the sense of the people upon the abolition of the penitentiary, was read the second time, and referred to the committee on the Penitentiary.

The bill :

For the benefit of L. P. Butler, was read the second time.

Mr. Moulton moved to suspend the constitutional rule, so as to give the bill a third reading forthwith.

The House refused to suspend, and the bill was ordered to be engrossed.

The bill :

Authorizing commissioners' courts to apply six hundred dollars out of fines and forfeitures, to make the office of judge of probate fire proof, was read the second time, and ordered to be engrossed.

The bill :

To provide for the burning of the bills now in the Treasury, on the State Bank and Branches, was read the second time, and referred to committee on State Bank and Branches.

The bill :

To repeal section 396 of the Code, was read the second time, and referred to the committee on Ways and Means.

The bill :

To amend the charter of the Winchester and Alabama Railroad company, approved 25th of January, 1856, was read the second time, and referred to the committee on Internal Improvements.

The bill :

To locate the county site of Hancock county, was read the second time, and referred to the committee on County Boundaries.

The bill :

To authorize the voters of Coffee county to elect a tax collector, was read the second time, and referred to the committee on Privileges and Elections.

The bills :

Authorizing the judge of probate to pay justices of the peace and constables for their services, prosecuting defaulting road hands ; and,

To secure the right of way to owners of swamp lands to drain the same ; were severally read the second time, and referred to the committee on Roads, Bridges and Ferries.

The bill :

To amend the road laws in Mobile, was read the second time, and referred to a select committee, composed of the delegation from Mobile ; also,

The bill :

To repeal an act therein named, regulating the sessions of the circuit and city courts of Mobile county ; which was read the second time, and referred to the same committee.

The bill :

To regulate the length of rails or polls for crossways on roads in Montgomery county, was read the second time, and referred to the delegation from Montgomery county.

The bill :

To improve the grounds of, and repair the Capitol, was read the second time, and the House refused to order the bill to be engrossed for a third reading.

Yeas 38, nays 43.

Yeas—Messrs. Speaker, Adams, Boatright, Bradley, Brewer, Browder, Brown of Tuskaloosa, Bulger, Calfee, Denman, Dillard, Echols, Flournoy, Goode, Herndon, Hobbs, Huckabee, Irby, Jeter, Johnson of Tallapoosa, Jones, Kennedy, Little, Martin of Talladega, Molton, Murphy of Henry, Pynes, Reedus,

Register, Scarborough, Simpson, Slade, Smith of Coosa, Thompson, Walden, Weaver, Williamson and Wood—48.

Nays—Messrs. Baugh, Bell of Franklin, Bell of Talladega, Brock, Brown of Marion, Clarke, Clayton, Cloud, Coleman, Cullum, Edwards, Espy, Eustace, Griffin, Hale, Hammonds, Harris, Houston, Jackson, Johnston of Perry, Mabry, Majors, Mardis, Martin of Dale, McGhee, McRae, Morgan, Murphree of Pike, Nabors, Neal, Parker, Pennington, Reid, Remson, Richardson of Cherokee, Scott, Smith of Jefferson, Smith of Lauderdale, Staton, Stiff, Talley, Warren and Wright—43.

The bill :

To establish a school for the blind, was read the second time.

Mr. Brewer moved to amend :

*Be it further enacted*, That it shall be the duty of county superintendents, township trustees, and all other officers of the free public schools of this State, to make out such blind persons as are entitled to the benefit of this act, and recommend the same to avail themselves of the privileges hereby extended.

Mr. Harris moved to lay the bill on the table, and print 133 copies.

Mr. Goode moved to lay the bill upon the table.

Lost.

Question then recurred upon the motion of Mr. Harris to lay the bill on the table and print 133 copies, and that it be made the special order for to-day week, at 11 o'clock.

Yeas 49, nays 26.

Yeas—Messrs. Speaker, Adams, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brewer, Brown of Marion, Brown of Tuskaloosa, Bulger, Calfee, Cary, Cullum, Dillard, Echols, Edwards, Hale, Harris, Herndon, Hobbs, Houston, Huckabee, Irby, Jeter, Johnson of Tallapoosa, Jones, Little, Mabry, McGhee, McRae, Molton, Murphree of Pike, Murphy of Henry, Nabors, Parker, Pennington, Pynes, Reedus, Reid, Remson, Scott, Simpson, Smith Coosa, Staton Stiff, Thompson, Walden, Weaver and Wright—50.

Nays—Messrs. Baugh, Brock, Cloud, Coleman, Denman, Espy, Flournoy, Goode, Griffin, Hammonds, Holly, Jackson, Kennedy, Majors, Mardis, Martin of Dale, Morgan, Register, Richardson of Cherokee, Scarborough, Slade, Smith of Jefferson, Smith of Lauderdale, Talley, Warren and Williamson—26.

On motion of Mr. Irby, the general orders were suspended, when he offered the following resolution ; which was adopted :

*Resolved*, That so much of the resolution of the House, as re-

quires, the House to meet at 3½ o'clock, P. M., be suspended until Thursday, the 10th day of December.

Yeas 51, nays 27.

Yeas—Messrs. Speaker, Bell of Talladega, Boatright, Bradley, Brewer, Brown of Marion, Brown of Tuscaloosa, Bulger, Caffee, Clarke, Clayton, Cloud, Coleman, Cullum, Echols, Edwards, Flournoy, Goode, Hale, Harris, Herndon, Hobbs, Huckabee, Irby, Jackson, Jeter, Kennedy, Little, Mabry, Mardis, Martin of Talladega, McGhee, Molton, Morgan, Murphree of Pike, Murphy of Henry, Pennington, Reedus, Register, Remson, Scarborough, Scott, Simpson, Smith of Coosa, Staton, Stiff, Thompson, Williamson, Wood and Wright—51.

Nays—Messrs. Baugh, Bell of Franklin, Brock, Browder, Denman, Espy, Eustace, Griffin, Holly, Houston, Johnson of Tallapoosa, Jones, Martin of Dale, McRae, Nabors, Neal, Parker, Pynes, Reid, Richardson of Cherokee, Slade, Smith of Jefferson, Smith of Lauderdale, Talley, Walden, Warren and Weaver—27.

On motion of Mr. Wood, the general orders were suspended, when he offered the following resolution; which was adopted:

*Resolved*, That so much of the rule as requires the House to adjourn at 1½ o'clock, be suspended until Thursday, the 10th of December.

On motion of Mr. Hobbs, the general orders were suspended when he offered the following resolution:

*Resolved, by the House of Representatives of the State of Alabama*, That Professor J. J. McCormick be allowed the use of the Hall of the House of Representatives, in which to lecture on Alabama education, and that both branches of the legislature, and particularly the committees on education, be invited to attend. Time, 7 o'clock, Thursday evening, December 10th.

Mr. Morgan moved to lay the resolution on the table.

Lost.

Mr. Hale moved to amend by striking out all that part of the resolution which referred to invitation.

Amendment adopted, and the resolution, as amended, adopted.

The hour of five having arrived, the House stood adjourned until to-morrow, half-past nine o'clock.

TUESDAY, December 1st, 1857.

House met pursuant to adjournment.

Prayer by Rev. Mr. Petric.

The journal of yesterday morning was read and approved.

The Speaker laid before the House a record of divorce ; which was referred to committee on Divorce and Alimony.

Mr. Houston moved to suspend the call of counties to allow the standing committees to report.

The motion prevailed.

#### REPORT FROM THE JUDICIARY COMMITTEE.

Mr. Jones reported favorably to the Senate bill to provide for the pay of jurors in Pickens county ; which,

On motion of Mr. Nabors, was amended by striking out " fifty cents."

The bill, as amended, was then ordered to a third reading.

Mr. Jones reported favorably to the Senate bill, to authorize the successors of sheriffs to make conveyances in certain cases ;

To authorize James Whitehead to practice law in the several courts of this State ;

To amend the laws of attachments against steamboats ;

To render costs in the settlement of insolvent estates ; which bills were severally ordered to a third reading.

Mr. Jones reported back to the House the Senate bill to exempt certain property from levy and sale, and moved to lay it on the table ; which was concurred in.

Mr. Jones moved to reconsider the vote by which the House concurred in the adverse report of the Judiciary committee to the bill to regulate the pay of witnesses in criminal cases, on registering, and the motion prevailed.

The bill was then recommitted to the Judiciary committee.

Mr. Jones reported adversely to the bill to regulate the number of grand jurors in the county of Walker ; which report was concurred in.

Mr. Jones reported adversely to the bill to dispense with the re-issuing of executions from justices courts.

Mr. Johnson, of Talladega, moved to lay the report on the table.

Lost.

The report was then concurred in.

Mr. Jones reported favorably to the bill for the payment of jurors in Jefferson county ; which was ordered to be engrossed.

Mr. Jones reported favorably to the bill to amend section 1537 of the Code of Alabama.

Mr. Hale moved to amend as follows : insert before the words " non payment," the words " non acceptance."

Mr. Echols moved to lay the bill and the amendment on the table.

Lost.

Yeas 11, nays 75.

Yeas—Messrs. Bell of Talladega, Dillard, Drummønd, Echols, Hammonds, Herndon, Holly, Jeter, Molton, Register and Smith of Lauderdale—11.

Nays—Messrs. Speaker, Adams, Allen, Baugh, Bell of Franklin, Boatright, Bradley, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskaloosa, Bulger, Calfee, Chamberlain, Cary, Clarke, Clayton, Coleman, Denman, Edwards, Espy, Eustace, Flournoy, Goode, Hale, Harris, Hobbs, Houston, Huckabee, Irby, Jackson, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Lesueur, Little, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, McGhee, McRae, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Reid, Richardson of Cherokee, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Talley, Tait, Walden, Warren, Weaver, Williamson and Wright—75.

The amendment of Mr. Hale was then adopted, and the bill ordered to be engrossed.

Mr. Jones reported favorably to the bills to allow compensation to viewers of public roads:

To compel the court of county commissioners of Marshall county to levy a special tax for the purpose of paying the grand and petit jurors; which were severally ordered to be engrossed.

The hour of 11 o'clock having arrived, for which there was a special order,

Mr. Huckabee moved to suspend the special order, for the purpose of offering a resolution; which prevailed.

Mr. Huckabee then offered the following resolution; which was adopted:

*Resolved*, That the ladies be invited to take seats within the Hall of the House during the inauguration of the Governor.

Message from the Senate:

Mr. Speaker: The Senate has passed bills of the following titles:

An act to allow the probate judge of Montgomery county to take jurisdiction of the estate of Wiggins W. Whitaker, deceased, of Autauga county:

To incorporate the Society Hill High School;

For the relief of John W. Creagh, of Wilcox county;

Also, joint resolutions in reference to the settlement of the account between the State of Alabama and the late secretary of state, Vincent M. Benham.

On motion of Mr. Irby, the House took an informal recess



until half past 11, which hour arriving, the House met, and adopted the following resolution, offered by Mr. Huckabee:

*Resolved*, That the Senate be now invited into the Hall of the House to witness the ceremonies of the inauguration.

The Senate, by invitation, appeared within the Hall of the House, and the hour of 12 o'clock, M., having arrived, the Governor elect, Hon. Andrew B. Moore, together with the committee of arrangements of the two Houses, appeared within the Hall of the House, and took his stand upon the Speaker's platform, when he delivered his inaugural address, and the oath of office was administered to him by the Speaker of the House. After which the Senate, and Governor Moore, together with the audience, had retired,

On motion of Mr. Hale, the House adjourned until half past 9 o'clock to-morrow.

WEDNESDAY, December 2nd, 1857.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

Journal of the afternoon of Monday and yesterday was read and approved.

The Speaker (Mr. Irby in the chair) laid before the House a record of divorce; which was referred to the committee on Divorce and Alimony.

Mr. Pennington moved to suspend the call of the counties, to allow him to offer a resolution.

The motion was lost.

Bills were introduced by:

Mr. Nelson: to incorporate the Baldwin and Perdido Railroad company;

Mr. Edwards: to require persons instituting suits against the administrators of deceased persons to give security for cost, &c.

Mr. Goode: to prevent camp hunting in Clarke county, by certain persons therein named;

Mr. Warren: to regulate the duties of the sheriffs of the several counties in this State, as therein named;

Mr. Warren: to authorize the probate judge and county commissioners of Coffee to establish new beats in said county;

Mr. Holly: to increase the pay of the members of the commissioners' court of roads and revenue of the county of Covington;

Mr. Mabry: to incorporate the Cahaba Rifles;

Mr. Mabry: to amend section 2318 of the Code;

Mr. Majors: to extend the jurisdiction of the commissioners' court of DeKalb county;

**Mr. Coleman:** to require certain duties of justices of the peace in the county of Fayette;

**Mr. Bell, of Franklin:** to amend the several acts incorporating the town of Tusculumbia, in Franklin county;

**Mr. Jackson:** exempting physicians from road duty;

**Mr. Hale:** to incorporate the trustees of the Synod of Alabama;

**Mr. Little:** to regulate the pay of commissioners, for the county of Hancock;

**Mr. Wood:** to make Margaret Lucinda Cain, of the county of Franklin, a free dealer, with a petition;

**Mr. McGhee:** joint resolutions to amend the Constitution of the State of Alabama;

**Mr. Flournoy:** to allow James Torbert, of Macon county, to pay the taxes on his real estate in Russell county;

**Mr. Harris:** to amend the act to incorporate the Madison Rifles;

**Mr. Harris:** for the relief of the estate of Albert Russell, deceased;

**Mr. Lesueur:** to extend the jurisdiction of the probate court in certain cases;

**Mr. Drummond:** to amend the law in relation to justices of the peace in the city and county of Mobile, and to make further provisions in relation thereto;

**Mr. Chamberlain:** to amend the criminal law;

**Mr. Walden:** to authorize the intendant of the town of Decatur, in the county of Morgan, to subscribe to the capital stock of the Tennessee and Alabama Central Railroad, and for other purposes, with a memorial;

**Mr. Neal:** to regulate the fees of the judge of probate of Pickens county;

**Mr. Murphree, of Pike:** requiring constables to advertise personal property levied on ten days previous to sale;

**Mr. Martin, of Talladega:** for the relief of Aaron Green;

For the relief of purchasers of fractional township 20, range 2 in Coosa land district;

To regulate the separate estates of married women, and to make them suable in courts of law, &c.;

**Mr. Bulger:** to protect real estate sold for taxes;

**Mr. Johnson, of Talladega:** to compensate persons for apprehending felons at large and fugitives;

Which bills were severally read the first time, and ordered to a second reading.

**Mr. Bulger:** for the relief of the tax payers of this State, and for other purposes; which was read.

Mr. Bulger moved to suspend, to read the bill a second time.  
Lost.

Mr. Harris moved to lay the bill on the table.

Lost.

The bill was then ordered to a second reading.

Mr. Brewer presented the petition of R. McMillan;

Mr. Chamberlain presented the petition of Phillip Minick;

Mr. Nabors presented the petition of Peter McGhee, tax collector of Pickens county;

Which were severally referred to committee on Propositions and Grievances.

Mr. Williamson presented the petition of sundry citizens of Lowndes county; which was referred to committee on Judiciary, with instructions to report by bill or otherwise.

Mr. Dillard presented the invitation to the House from Mrs. Wm. Knox; which was read.

Mr. McGhee presented a petition of sundry citizens of Morgan county, which was, on motion, filed with the bill introduced by Mr. Walden this morning.

Mr. Dillard moved to reconsider the vote by which the House concurred in the adverse report of the Judiciary committee, to the bill to dispense with the reissuing of executions from justices courts.

Mr. McGhee moved to lay the motion on the table, and it prevailed.

Mr. Mabry moved to suspend the call for the reports, to permit him to take from the table and consider the bill in regard to the suspension of specie payment by the Commercial Bank of Alabama.

The motion prevailed, and the bill was read the second time, and referred to the committee on Banks and Banking.

#### REPORTS FROM THE JUDICIARY COMMITTEE.

Mr. Martin, of Talladega, reported favorably to the bill to amend section 1372 of the Code; which was ordered to be engrossed.

Mr. Martin, of Talladega, reported adversely to the bill to amend the laws pertaining to the publication of testimony; which report was concurred in.

Mr. Martin, of Talladega, reported the following amendments to the bill, amendatory of proceedings in chancery; which were adopted:

Add at the end of first section, "and if the court be not opened by 3 o'clock, P. M., of the third day, it shall be the duty of the

sheriff to adjourn the same until the next regular term appointed by law."

Amend second section by striking out, "even should the amendment make a new case or defence"; and add at the end of said section, "when either party is allowed to amend, under the section, the adverse party, shall, as a matter of right, be entitled to a continuance, and both parties be allowed to take additional testimony."

Add at the end of the fourth section, "*Provided*, that the publication required by the order, shall have been perfected"; "and by striking out the seventh section"; and by striking out the words, "or other person," where they occur in the eighth section."

The bill as amended, was then ordered to be engrossed.

Mr. Martin, of Talladega, reported favorably to the bill to amend sections 572 and 573 of the Code.

Mr. Hale moved to strike out the third section of the bill, when the hour of 11 o'clock arrived, for which there was a special order.

Mr. Drummond moved to suspend the special order, so as to dispose of the bill under consideration.

Lost.

The House proceeded to the consideration of the special order, it being the bill to repeal an act therein mentioned, and the question being upon a reconsideration of the vote by which the House refused to pass the bill.

Lost.

Yeas—Messrs. Adams, Baskins, Bell of Franklin, Bradley, Brown of Tuskaloosa, Cary, Chamberlain, Cullum, Dillard, Drummond, Echols, Eustace, Flournoy, Goode, Hale, Harris, Herndon, Hobbs, Houston, Huckabee, Irby, Jackson, Johnston of Perry, Jones, Lesueur, Martin of Talladega, Molton, Nabors, Nelson, Parker, Pennington, Reedus, Remson, Scott, Slade, Smith of Jefferson, Smith of Lauderdale, Tait, Walden, Warren, Williamson and Wood—42.

Nays—Messrs. Allen, Baugh, Bell of Talladega, Boatright, Brewer, Brock, Browder, Brown of Marion, Bulger, Caldwell, Clarke, Clayton, Cloud, Coleman, Denman, Edwards, Espy, Griffin, Hammonds, Holly, Jeter, Johnson of Tallapoosa, Kennedy, Little, Majors, Mardis, Martin of Dale, McCall, McGhee, McRae, Morgan, Murphy of Henry, Powell, Pynes, Register, Reid, Richardson of Cherokee, Sheffield, Simpson, Smith of Coosa, Smith of Randolph, Staton, Stiff, Talley, Weaver and Wright—46.

Message from the Senate:

Mr. Speaker: The Senate has originated and passed the following resolution:

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it would be acceptable to this General Assembly, that Lieutenant Maury should be removed from the retired list of officers, and placed in his former rank and standing in the service.

Message from the Governor, by his private secretary, Mr. Addison Powell:

Mr. Speaker: His excellency has approved of the following bills, which originated in the House of Representatives:

To repeal an act to amend the road laws in Cherokee county; also,

The joint resolutions in relation to the Commercial Bank and the Central Bank of Alabama;

To elect a county surveyor and treasurer of Hancock county by the people;

An act to repeal in part an act therein named;

An act to extend the Fall term of the circuit court of Covington county;

An act to repeal an act entitled an act amending the road laws in Henry county;

An act to divorce Lewis King, from his wife, M. J. King;

Joint resolutions of the State of Alabama in regard to the Hon. Benjamin Fitzpatrick, and the Hon. C. C. Clay, jr., Senators in Congress;

An act to divorce Elizabeth Ricks, from her husband, A. J. Ricks;

An act to repeal an act changing the time of holding the circuit courts of Jefferson and St. Clair counties, and extending the time for the county of St. Clair.

The House proceeded to the consideration of the next special order for this hour, being the bill to repeal an act entitled an act to authorize the Bank of Mobile, the Southern, and Northern Banks of Alabama to issue bills of a less denomination than five dollars, and the question being upon a reconsideration of the vote by which the bill was ordered to be engrossed.

The vote was reconsidered.

Mr. Jones moved the following amendments:

*Be it further enacted,* That no person shall pass or circulate in this State any bank bill or note of a less denomination than five dollars, not issued under authority of this State; and said bank bills or notes shall not be considered money, and shall not be deemed of any value in this State.

*Be it further enacted,* That any person or persons, or corpora-

tions, who shall circulate or receive in this State any such Bank bill or note as is mentioned in the next preceeding section of this act, shall be guilty and severally liable to pay five times the the nominal amount thereof to any citizen of this State, who shall first sue therefore, to be recovered by action in any court having jurisdiction thereof.

*Be it further enacted*, That this act shall take effect from, and after the first day of January, 1859.

Mr. Hobbs moved to amend the amendment :

SECTION — *Be it further enacted*, That a tax of five per centum be assessed as other taxes are assessed in this State, on every bill of a less denomination than five dollars issued by any Bank not chartered by this State, which tax shall be assessed against, and paid by any person or corporation, who receives such bills after the first day of November, 1858, in payment of debts due such person or corporation.

Mr. Staton moved to lay the bill and amendments on the table.

Mr. Powell called for a division of the question, first upon the amendments and then upon the bill.

Mr. Goode called for a division of the amendments, and the question first was upon laying the amendment of Mr. Hobbs on the table.

Yeas 52, nays 38.

Carried.

Yeas—Messrs. Adams, Baskins, Baugh, Bell of Talladega, Boatright, Bradley, Brewer, Brock, Browder, Brown of Marion, Clarke, Cloud, Coleman, Cullum, Dillard, Drummond, Echols, Edwards, Espy, Eustace, Flournoy, Griffin, Holly, Jeter, Kennedy, Little, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, McGhee, McRae, Molton, Morgan, Murphy of Henry, Parker, Pennington, Powell, Pynes, Register, Remson, Richardson of Cherokee, Sheffield, Simpson, Smith of Jefferson, Staton, Stiff, Talley, Thompson, Williamson and Wright—52.

Nays—Messrs. Allen, Bell of Franklin, Brown of Tuscaloosa, Calfee, Cary, Chamberlain, Clayton, Denman, Goode, Hale, Hammonds, Harris, Herndon, Hobbs, Houston, Huckabee, Irby, Jackson, Johnston of Perry, Johnson of Tallapoosa, Jones, Lesueur, Mabry, Nabors, Neal, Nelson, Reedus, Reid, Scott, Smith of Coosa, Smith of Lauderdale, Smith of Randolph, Tait, Walden, Warren, Weaver and Wood—38.

The question then was upon laying the amendment of Mr. Jones on the table.

Lost.

Yeas 37, nays 53.

Yeas—Messrs. Allen, Baugh, Bell of Talladega, Boatright, Brock, Browder, Brown of Marion, Caldwell, Clarke, Clayton, Cloud, Dillard, Edwards, Espy, Flourney, Holly, Jeter, Little, Majors, Mardis, Martin of Dale, McCall, McGhee, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Powell, Pynes, Richardson of Cherokee, Simpson, Staton, Stiff, Talley, Thompson and Wright—37.

Nays—Messrs. Adams, Baskins, Bell of Franklin, Bradley, Brewer, Brown of Tuskaloosa, Bulger, Calfee, Cary, Cullum, Denman, Drummond, Eustace, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Hobbs, Houston, Irby, Jackson, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Lesueur, Mabry, Martin of Talladega, Nabors, Neal, Nelson, Parker, Pennington, Reedus, Register, Reid, Scott, Sheffield, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Tait, Walden Warren, Weaver, Williamson and Wood—53.

The question then recurred upon the adoption of the amendment offered by Mr. Jones.

Yeas 61, nays 29.

Yeas—Messrs. Adams, Baskins, Baugh, Bell of Franklin, Bradley, Brewer, Brown of Tuskaloosa, Bulger, Calfee, Caldwell, Cary, Chamberlain, Cloud, Coleman, Cullum, Denman, Drummond, Echols, Eustace, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Hobbs, Houston, Huckabee, Irby, Jackson, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Lesueur, Mabry, Martin of Talladega, Nabors, Neal, Nelson, Parker, Pennington, Reedus, Reid, Remson, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Tait, Walden, Warren, Weaver, Williamson, Wood and Wright—61.

Nays—Messrs. Allen, Bell of Talladega, Boatright, Brock, Browder, Brown of Marion, Clarke, Clayton, Edwards, Espy, Flourney, Holly, Little, Majors, Mardis, Martin of Dale, McCall, McGhee, McRae, Morgan, Murphy of Henry, Powell, Pynes, Register, Richardson of Cherokee, Staton, Stiff and Talley—29.

The amendment was adopted.

The bill as amended was then ordered to be engrossed.

Yeas 63, nays 29.

Yeas—Messrs. Adams, Baskins, Baugh, Bell of Franklin, Bradley, Brewer, Brown of Tuskaloosa, Bulger, Calfee, Caldwell, Cary, Chamberlain, Clayton, Cullum, Denman, Dillard, Drummond, Echols, Eustace, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Hobbs, Houston, Huckabee, Jackson, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Lesueur, Mabry, Martin of Talladega, McRae, Murphree of Pike, Nabors,

Neal, Nelson, Parker, Pennington, Reedus, Reid, Remson, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Tait, Walden, Warren, Weaver, Williamson, Wood and Wright—63.

Nays—Messrs. Allen, Bell of Talladega, Boatright, Brock, Browder, Brown of Marion, Clarke, Coleman, Edwards, Espy, Flournoy, Holly, Kennedy, Little, Majors, Mardis, Martin of Dale, McCall, McGhee, Molton, Morgan, Murphy of Henry, Powell, Pynes, Register, Richardson of Cherokee, Staton, Stiff and Talley—29.

The House proceeded to the consideration of the next special order, it being the bill to repeal certain sections of an act therein named, in relation to banking; which was ordered to be engrossed.

Protest of Mr. Mardis to the joint resolutions of the two Houses in regard to Kansas matters :

The undersigned protests against the passage of the resolutions by which the course of Governor Walker, of Kansas, is condemned.

First—Because the legislature of Alabama has, several times before, passed resolutions of a similar character to them, stating that the South would, at all hazards, resist any further attempt on the part of the North to interfere with her rights and institutions; which resolutions have as often been wholly disregarded by the North; and instead of the resolving party meeting the main question like true Southern men, and calling the North to an account for her conduct, they now propose passing another set of resolutions, which, if left to them to defend, they will share the same fate. Believing then, that the resolutions are not intended to act upon, but merely for *Buncomb*, to be used hereafter for ——— purposes, the undersigned decline the honor of becoming a party to them.

Second—That Walker and the President have only been carrying out in Kansas the doctrine taught by Mr. Buchanan's own constructions of the platform upon which he was run and elected, and of which the Southern Democracy was duly notified and warned by the Americans during the canvass, and consequently will not now be allowed to dodge the responsibility they have incurred, by simply passing a set of resolutions condemning Mr. Walker.

Third—That Walker is less to blame than any of the parties who had to do with the Kansas matter, as there is very little doubt but that he was carrying out his instructions to the *letter*.

The main charges ought to be preferred against the President



for accepting a trust which he knew was obtained by fraud from the South, and against the party leaders and stump orators of the Democratic party in the South who wilfully put a Southern construction on Mr. Buchanan's views in relation to the Kansas-Nebraska act, that was not warranted by the testimony by which the South deceived and made vote for a man whose feelings and avowed sentiments were all opposed to the extension of slavery in the Territories.

Fourth—That the undersigned is wholly unable to see from testimony how charges can be made arrayed by a candid set of men against Walker, that will not apply with equal force against the President; when, too, it is known by every newspaper reader that Walker on several occasions stated publicly that the President fully understood and approved of the course he was pursuing, and that as Mr. Buchanan has never himself denied the statements, is certainly strong proof against him. To this add the testimony that is here adduced to sustain the resolutions, and it does seem to me the proof against the President is conclusive, when it is remembered that his means of information has been all the while far superior to ours, and with such information before him, his refusing or neglecting to turn Walker out of office leaves him now without excuse.

N. B. MARDIS,  
F. E. RICHARDSON.

On motion, the House adjourned until to-morrow morning, half past 9 o'clock.

THURSDAY, December 3rd, 1857.

The House met pursuant to adjournment.

Journal of yesterday was read and approved.

Mr. Speaker laid before the House a record of divorce; which was referred to the committee on Divorce and Alimony.

#### CALL OF COUNTIES.

Bills were introduced:

Mr. Speaker: to authorize the administrator of Richard Mourtton, deceased, late of Autauga county, to sell the negro property belonging to the said estate;

Mr. Brock: to regulate the proceedings of justices of the peace;

Mr. Sheffield: to refund to the commissioners of free public schools for the county of Marshall, a certain amount of money paid out of the interest arising out of the sixteenth section fund

belonging to township 9, range 2 east, in the county of Marshall;

Mr. Cloud: to prevent the Memphis and Charleston Railroad company from causing sickness by digging ditches, &c.;

Mr. Kennedy: to regulate the drawing of the grand jury of Marion county;

Mr. Molton: to authorize the probate judge of Montgomery county to take jurisdiction of the estate of Green W. Cole, deceased, of Chambers county;

Mr. Boatright: To amend section 1143 of the Code of Alabama, in relation to apportioners and overseers of public roads;

Mr. Murphree, of Pike: To amend and enlarge section 2811 of the Code; also,

To amend section 3568 of the Code, in relation to witnesses before grand juries;

Mr. Morgan: to incorporate the Montevallo Male and Female Collegiate Institute of the Union Synod of the Cumberland Presbyterian Church;

Mr. Martin, of Talladega: concerning the probate of wills;

Mr. Browder: joint resolutions instructing our delegation in Congress to take measures for a distribution of the surplus revenue in the treasury of the United States, among the States of the Confederacy; which were severally read the first time, and ordered to a second reading.

Mr. Remson presented the account of J. C. Henderson; which was referred to the committee on Accounts and Claims.

The House resumed the consideration of the bill to amend sections 572 and 573 of the Code.

And the question was upon the amendment of Mr. Hale, to strike out the third section.

The amendment was adopted.

Mr. Griffin moved to lay the bill and amendment on the table.

Mr. Drummond called for a division of the question, and the question first was upon laying the amendment on the table; which was lost.

The question was then upon laying the bill on the table.

The bill was laid on the table.

Yeas 55, nays 24.

Yeas—Messrs. Baugh, Bell of Franklin, Bell of Talladega, Boatright, Brewer, Broek, Browder, Brown of Marion, Brown of Tuscaloosa, Bulger, Calfee, Cary, Clarke, Cloud, Coleman, Denman, Dillard, Edwards, Espy, Eustace, Griffin, Hammonds, Holly, Houston, Huckabee, Jackson, Jeter, Johnson of Tallapoosa, Kennedy, Little, Majors, Martin of Dale, McCall, McGhee, McRae, Morgan, Murphree of Pike, Murphy of Henry, Nelson, Parker, Pynes,

Reedus, Reid, Richardson of Cherokee, Scott, Sheffield, Simpson, Smith of Jefferson, Smith of Lauderdale, Staton, Stiff, Talley, Thompson, Warren and Weaver—55.

Nays—Messrs. Speaker, Adams, Allen, Bradley, Caldwell, Chamberlain, Clayton, Colbert, Drummond, Hall, Harris, Herndon, Hobbs, Irby, Johnston of Perry, Jones, Mabry, Mardis, Martin of Talladega, Molton, Nabors, Pennington, Remson, Slade, Smith of Randolph, Tait, Walden, Williamson and Wright—29.

The Speaker laid before the House the semi-annual report of commissioners and trustees of the State of Alabama; which, on motion, was laid on the table, and 2500 hundred copies ordered to be printed.

Mr. Irby, from the committee on Ways and Means, reported favorably on the Senate bill to change the mode of assessing the tax of Butler county; which was, on motion of Mr. Scarborough, postponed until Saturday next.

Mr. Irby, from the same committee, reported an amendment to the bill to render the license laws for retailing spirituous liquors more efficient, *Provided*, That nothing herein contained shall apply to boats of any kind navigating above the Free Island in Coosa river; which amendment was adopted, and the bill ordered to be engrossed.

Mr. Irby, from the committee on Ways and Means, reported adversely to the joint resolutions instructing tax collectors to receive the notes of all the chartered banks of this State, in payment of State and county tax.

The report was laid on the table.

On motion of Mr. Johnston, of Perry, the House suspended the regular order of business, to allow him to offer a resolution.

*Resolved*, That this House order for publication five thousand copies of the inaugural address of Governor Moore, delivered on Tuesday last, and that a manuscript copy of the same be requested for that purpose.

Mr. Morgan moved to strike out "five thousand" and insert "ten thousand; which,

On motion of Mr. Staton, was laid on the table.

Mr. Smith, of Jefferson, moved to strike out "five thousand" and insert "three thousand."

The question was first on printing five thousand copies, and the resolution was adopted.

The hour of 11 o'clock having arrived, for which there was a special order,

On motion of Mr. Bulger, said order was suspended to dispose of the joint resolutions under consideration.

Mr. Speaker (Mr. Irby in the chair) offered the following amendments:

*Provided*, That the banks now suspended, or that may hereafter suspend, pledge themselves upon condition of forfeiture of their charter, if they fail so to do, to redeem in specie or in bills of exchange, at par, all their notes that may be in the State treasury on the first of May next.

Mr. Speaker moved to postpone the further consideration of the joint resolution and amendments, until Tuesday next at 11 o'clock, and make it the special order for that hour.

Mr. Goode moved to lay the motion on the table.

The motion was lost, and the bill was made the special order for Tuesday next, at 11 o'clock.

The House proceeded to the consideration of the special order:

The bill more effectually to prevent banks of other States from carrying on the business of banking in this State.

The question was on the adoption of the first amendment, reported by the committee on Banks and Banking.

Mr. Goode moved to lay the first amendment on the table, and called for the yeas and nays.

The motion was lost.

Yeas 28, nays 52.

Yeas—Messrs. Baugh, Bell of Talladega, Browder, Caldwell, Clarke, Clayton, Colbert, Echols, Espy, Flournoy, Goode, Griffin, Holly, Majors, Martin of Talladega, McRae, Molton, Murphy of Henry, Powell, Pynes, Register, Remson, Richardson of Cherokee, Sheffield, Stiff, Thompson and Wright—28.

Nays—Messrs. Speaker, Allen, Bell of Franklin, Boatright, Brock, Brown of Marion, Bulger, Calfee, Chamberlain, Coleman, Cullum, Denman, Drummond, Edwards, Eustace, Hale, Harris, Herndon, Hobbs, Houston, Irby, Jackson, Jeter, Johnson of Tallapoosa, Jones, Kennedy, Lesueur, Little, Mabry, Mardis, Martin of Dale, McCall, Morgan, Murphree of Pike, Nelson, Parker, Pennington, Reedus, Reid, Richardson of Monroe, Simpson, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Tait, Walden, Warren, Weaver, Williamson and Wood—52.

The hour of 12 o'clock M. having arrived, the House proceeded to the consideration of the general orders.

Mr. Griffin moved to suspend the consideration of the general orders, to dispose of the bill under consideration.

Said motion was lost.

The engrossed bills:

To regulate the pay of jurors in Coffee county;

To amend section 2175 of the Code of Alabama;

For the relief of Catharin J. Reid ;

To amend section 3500 of the Code of Alabama ;

Authorizing the qualified voters of Conecuh county to elect the tax assessor for the term of two years ;

For the benefit of the clerk of the circuit court of Choctaw county :

To repeal an act therein named, approved January 18th, 1845 ;

For the relief of Mrs. Marion M. Rattenbery :

To authorize justices of the peace to apportion hands on the roads in Pickens county ;

Joint resolutions changing the seal of the State ;

For the relief of W. J. Mims, administrator ;

To extend the provisions of section 2451 and 2605 of the Code of Alabama ; were severally read the third time, and passed.

The engrossed bill :

For the relief of defendants in execution in Autauga county, was read the third time ; when,

Mr. Speaker, (Mr. Smith, of Lauderdale, in the chair,) moved to amend by engrossed ryder, as follows :

“ As far as they relate to Autauga county,” and the bill passed.

The engrossed bill :

To make stockholders in railroad companies competent witnesses, was read the third time,

And on motion of Mr. Goode, indefinitely postponed.

The engrossed bill :

For the relief of William G. Swanson, sheriff of Macon county, was read the third time ;

Mr. Mardis moved to postpone the further consideration of the bill until to-morrow.

The motion was lost, and the bill passed.

The engrossed bill :

To increase the pay of regular and tales jurors, in the county of Choctaw, was read the third time.

Mr. Goode moved to amend by way of engrossed ryder, as follows :

“ And that the provisions of this act shall be extended to the county of Clarke ;” which was read the third time, and the bill passed.

The engrossed bill :

To authorize the executrix of the will of Abram Burk to move the administration and property of said estate from the county of Coffee to the county of Barbour ; which bill was read the third time, and

On motion of Mr. Weaver, was postponed until to-morrow.

The engrossed bill :

To amend section 1860 of the Code of Alabama, was read the third time;

And on motion of Mr. Hale, amended by way of engrossed ryder, by filling the blank with "twenty;" which was read three times and passed.

The Senate bill:

To reduce costs in the settlement of insolvent estates, was read the third time and passed.

On motion of Mr. Jones the title of the bill was amended so as to read, after the word "estates," "and to provide for the recording of deeds."

The Senate bill:

To amend the laws of attachments against steamboats, was read three times and passed.

The Senate bill:

To authorize James Whitehead to practice law in the several courts of this State, was read the third time,

When Mr. Hobbs moved to amend by way of engrossed ryder.

SEC 2. And that the provisions of this act shall be extended to R. H. Thatch, of Limestone, J. J. Jolly, of Greene, and Moses Leadbetter, of Shelby.

Mr. McGhee moved to adjourn.

Lost.

Mr. Drummond moved to lay the bill upon the table.

Lost.

Mr. Smith, of Randolph, moved to amend by way of engrossed ryder, number 2, which is as follows:

*Provided*, That the provisions of this bill shall extend to all the young men in this State; which was read the first time.

Mr. Caldwell called the previous question, and the question being shall the main question be now put, the House refused to sustain the previous question.

Mr. Morgan moved to lay the bill and engrossed ryder on the table.

The motion prevailed.

Mr. Scott moved to reconsider the vote by which the House laid the bill and ryder on the table.

On motion the House adjourned until half past 9 o'clock tomorrow morning.

FRIDAY, December 4th, 1857.

House met pursuant to adjournment.

Prayer by Rev. Mr. Shaver.

The journal of yesterday was read and approved.

Leave of absence was granted Mr. Weaver.

## CALL OF COUNTIES.

Bills were introduced by :

Mr. Baugh: for the repeal of a part of an act therein named ;  
Mr. Richardson, of Cherokee : joint resolution proposing amendments to the constitution ;

Mr. Griffin: to amend section 2462 of the Code ;

Mr. Kennedy : more effectually to punish persons for a breach of trust ;

Mr. Jones: for the relief of Walter Trainum ;

Also, to amend section 397 of the Code ;

Mr. Tait : to increase the pay of sheriffs in this State ; which were severally read the first time, and ordered to a second reading.

Mr. Chamberlain presented the memorial and account of U. T. Cleveland, sheriff of Mobile county ; which was referred to the committee on Accounts and Claims.

Mr. Irby, from the committee on Ways and Means, reported a substitute for the several bills referred to that committee :

To extend the time for the collection of taxes in Macon county ; and ;

For the relief of the tax payers of the county of Russell ; which substitute was adopted.

Mr. Powell moved the following amendment ; which was adopted :

Strike out "at an early period," and insert "by the first day of February, 1858."

Mr. Brown, of Tuscaloosa, moved to amend as follows :

At the end of section 5, add "which payment they shall make by the first of March next ;" which amendment was adopted.

Mr. Browder moved the following amendment :

*Provided*, That if any person be about removing from this State or county, that taxes as against them, shall be collected immediately ; which amendment was adopted.

Mr. Clayton moved to amend,

*Provided*, The provisions of this bill shall not apply to any county in which the tax collector, and his securities fail to assent to the same as heretofore required.

Lost.

Mr. Tait moved to amend,

SEC. 6. *And be it further enacted*, That 104 copies of this act be printed, and it shall be the duty of the comptroller to send one copy to each of the tax collectors and judges of probate in this State immediately, and have made out an equal number of the contracts or agreements to be signed by the tax collector,

and his securities as provided for by this act, and forward them to the respective tax collectors with the copy of this act ; which was adopted.

On motion of Mr. Bulger, the constitutional rule was suspended, and the bill was read the third time, and passed ;

And ordered, on motion of Mr. Flournoy, forthwith to the Senate.

Yeas and nays were called on the passage of the bill :

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Cary, Chamberlain, Clarke, Clayton, Colbert, Denman, Echols, Eustace, Flournoy, Goode, Griffin, Hall, Hammonds, Harris, Herndon, Hobbs, Houston, Huckabee, Irby, Jackson, Jeter, Johnson of Perry, Jones, Lesueur, Little, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, McGhee, McKae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Neal, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Register, Remson, Richardson of Cherokee, Richardson of Monroe, Scott, Sheffield, Simpson, Smith of Jefferson, Smith of Randolph, Staton, Suff, Talley, Thompson, Walden, Williamson and Wood—82.

Nays—Messrs. Dillard, Espy, Holly, Smith of Lauderdale, and Tait—5.

Mr. Irby, from the committee on Ways and Means, reported adversely to the bill, to repeal section 396 of the Code ; which report was concurred in.

The special order for this 11 o'clock being suspended,

Mr. Molton, from select committee, to whom was referred the bill, to authorize magistrates in beat 4 and 5, of Montgomery to appoint special constables in said beats, reported favorably thereto ; which was ordered to be engrossed.

Mr. Chamberlain, from select committee, to whom was referred the bill, to amend the road laws in Mobile, reported favorable thereto.

The bill was then ordered to be engrossed.

Mr. Chamberlain, from same committee, to whom was referred the petition of sundry citizens of Baldwin and Mobile, in regard to oyster beds, &c., reported a bill to protect the citizens of Mobile and Baldwin counties in the enjoyment of their oysters ; which was read, and ordered to a second reading.

Message from the Senate :

Mr. Speaker : The Senate has passed a House bill for the relief of the administrator of the estate of Peter F. Patrick.

The House resumed the consideration of the special order :



The bill more effectually to prevent banks of other States from carrying on the business of banking in this State, and the question being upon the adoption of the amendments reported by the committee on Banks and Banking:

Mr. Bulger moved to postpone the bill and amendments indefinitely.

The hour of 12 having arrived, when the House proceeded to consider the general orders;

Which, on motion of Mr. Bulger, was suspended to proceed with the consideration of the bill, and after some discussion, the bill and amendments,

On motion of Mr. Wood, was postponed until 11 o'clock on to-morrow, Mr. Wood being entitled to the floor.

On motion of Mr. Scott, the House reconsidered the vote by which the bill to authorize James Whitehead, to practice law in the several courts of this State, was laid on the table.

The chair ruled the engrossed ryder of Mr. Smith, of Randolph, out of order, which was moved on yesterday; whereupon,

Mr. Smith, of Randolph, moved the following engrossed ryder:

*Provided*, That the provisions of this bill be entended to all applicants for license to practice law in this State; which the Speaker decided to be in conflict with the body of the bill, and therefore, out of order; from which decision

Mr. Smith, of Randolph, appealed.

The Speaker then stated the question, shall the decision of the chair stand as the decision of this House?

The decision of the chair was sustained.

Yeas 46, nays 33.

Yeas—Messrs. Adams, Aldridge, Baskins, Baugh, Bell of Talladega, Boatright, Browder, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Cary, Chamberlain, Clarke, Clayton, Cloud, Colbert, Dillard, Echols, Eustace, Flournoy, Hale, Hammonds, Hobbs, Houston, Irby, Jeter, Johnston of Perry, Kennedy, Martin of Dale, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Neal, Pennington, Scott, Sheffield, Smith of Jefferson, Smith of Lauderdale, Tait, Walden and Wood—46.

Nays—Messrs. Allen, Bell of Franklin, Brewer, Brock, Brown of Marion, Coleman, Denman, Drummond, Edwards, Espy, Goode, Griffin, Harris, Herndon, Holly, Huckabee, Jackson, Lesueur, Little, Mabry, Majors Mardis, Nelson, Parker, Pynes, Reedus, Register, Reid, Richardson of Cherokee, Richardson of Monroe, Slade, Smith of Randolph and Staton—33.

The question then was upon the passage of the bill, and the same passed.

**Yeas**—Messrs. Speaker, Adams, Aldridge, Baskins, Bell of Talladega, Brewer, Brown of Marion, Brown of Tuskalooosa, Bulger, Calfee, Caldwell, Cary, Clarke, Clayton, Cloud, Colbert, Flournoy, Griffin, Hale, Harris, Herndon, Hobbs, Houston, Irby, Johnston of Perry, Kennedy, Lesueur, Little, Mabry, Majors, Martin of Dale, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphy of Henry, Neal, Parker, Pennington, Reedus, Register, Scott, Sheffield, Simpson, Smith of Jefferson, Smith of Lauderdale, Staton, Thompson, Walden and Wood—51.

**Nays**—Messrs. Baugh, Bell of Franklin, Boatright, Brock, Cary, Coleman, Denman, Dillard, Drummond, Edwards, Espy, Eustace, Goode, Hammonds, Holly, Huckabee, Jackson, Jeter, Mardis, Murphree of Pike, Nelson, Pynes, Reid, Richardson of Cherokee, Richardson of Monroe, Slade, Smith of Randolph, and Warren—28.

When, on motion, the House adjourned until 9½ o'clock, on to-morrow morning.

SATURDAY, December 5th, 1857.

House met pursuant to adjournment.

Prayer by Rev. Mr. Shaver.

The journal was read and approved.

Mr. Speaker laid before the House a record of divorce; which was referred to committee on Divorce and Alimony; also,

A communication from the clerk of the House; which was referred to the committee on Public Printing; also,

Communication from Ex-Governor Winston; which was referred to the Judiciary committee.

#### CALL OF COUNTIES.

And bills were introduced by?

Mr. Brewer: for the relief of E. R. Mitchell and F. R. Jones, of the county of Coosa;

Mr. Hale: to better ascertain the advancements made to legatees, or distributees by the testator in their life on intestate in his lifetime; also,

To repeal and substitute sections 1911 and 1912 of the Code of Alabama;

Mr. Scott: to amend section 1881 of the Code: also,

To amend section 1688 of the Code of Alabama;

Mr. Griffin : to establish a new election precinct in Marshall county, and for other purposes ;

Mr. Brown, of Marion : to increase the jail fees of runaway slaves, in the county of Marion :

Mr. Jones : for the relief of James H. Daughdrill, Elisha B. Lott and Henry Hunt, tax collectors of Mobile county ; also,

To amend the law as to days of grace on bills of exchange ; also,

To amend an act entitled an act to extend the charter of the Mobile Bank ;

Mr. Drummond: to amend section 2182 of the Code of Alabama;

Mr. Nabors : to amend section 1708 of the Code of Alabama ;

Also, to amend section 1923 of the Code of Alabama ;

Mr. Houston : to amend section 910 of the Code ; also,

To amend section 2419 of the Code ;

Mr. McGhee : to repeal an act therein named, approved February 18th, 1854, so far as the county of Lawrence is concerned, which bills were severally read, and ordered to a second reading.

Mr. Drummond presented the petition of Isaac Wood and W. B. Cleveland ; which was referred to committee on Propositions and Grievances ;

Mr. Mabry presented the memorial of Thomas A. Walker, and others ; which was referred to committee on Internal Improvements.

Mr. Johnston, of Perry : moved to suspend the business before the House to allow him to introduce a resolution ; which prevailed :

*Resolved*, That this House appoint a committee composed of one member from each judicial district to act with a like committee on the part of the Senate, to consider the expediency of re-distributing the judicial circuits ; which was adopted.

Messrs. Johnston of Perry, Adams, Hale, Wood, Scott, Haddon, Nabors, Clayton and Martin of Talladega, composed said committee.

Mr. Williamson, from the committee on Enrolled Bills, reported the following as correctly enrolled :

For the relief of John W. Creagh, of Wilcox county ;

In regard to the administration of oaths ;

To provide for the location of the court house in the county of Bibb.

#### REPORT FROM COMMITTEE ON PRIVILEGES AND ELECTIONS.

Mr. Griffin reported adversely to the bill to amend the election laws of this State.

Mr. Allen moved to lay the report on the table.

Lost.

The report was then concurred in.

Mr. Griffin reported favorably to the bill to lay off the county of Hancock into four commissioners' districts ;

To authorize the voters of Coffee county, to elect a tax collector ; which ordered to be engrossed.

Mr. Griffin reported adversely to the bill to authorize the court of county commissioner, in Coosa county, to change the plan of voting in Hancock beat in said county ; and,

To the bill for the better preserving order on the day of election ; which reports were severally concurred in.

Mr. Caldwell, from committee on Internal Improvements, reported amendments to the bill to accept of the grant and carry into execution the trust conferred upon the State of Alabama, by an act of Congress, entitled an act granting public lands in alternate sections to the State of Alabama, to aid in the construction of certain railroads, in said State, approved 3d of June, 1856 : *Provided*, that nothing herein contained shall apply to that portion of said grant of lands, under the said act of Congress, to aid in the construction of the Memphis and Charleston Railroad ; which the president and directors of said railroad have officially declined to accept, and notified the Governor thereof, and that from and after the passage of this bill, all right and interest of the State in and to that portion of said grant be extinguished, and again vested in the General Government ; which was adopted.

Amend section 3d, as follows :

*Provided*, that nothing in this act, contained nor the passage, and approval of this bill, first in point of time shall be construed to give the roads to which the lands are hereby appropriated any preference, when their claims to land comes in conflict with the claims of any other road, provided for in said act of Congress, which amendment was adopted, and the bill was then ordered to be engrossed.

Mr. Caldwell, from the same committee, reported an amendment to the joint resolution, designating the application of certain lands granted by Congress to the State of Alabama, as follows : *Provided*, that nothing in the joint resolution contained, nor the passage, and approval of the same, first in point of time shall be construed to give the road to which the land is hereby appropriated, any preference when its claims to land comes in conflict with the claims of any other road.

Mr. Caldwell, from the same committee, reported favorably to the bill to amend the charter of the Winchester and Alabama

Railroad company, approved 25 January, 1856; which bill was ordered to be engrossed.

REPORTS FROM COMMITTEE ON PROPOSITIONS AND GRIEVANCES.

Mr. Murphree, of Pike, reported a bill to compensate Jno. W. Clark, of Barbour county, upon the petition of the same; which was read and ordered to a second reading.

Mr. Smith, of Randolph, from same committee, reported favorably to Senate bills,

To give the commissioners' court of Perry county authority to relieve James Dislake;

For the relief of Charles T. Pollard, and others.

Which were ordered to a third reading.

Mr. Smith, of Randolph, reported back to the House the petition of Mary C. Grigsbey, of Coosa, and asked its reference to the committee on Divorce and Alimony; which was granted.

Mr. Smith, of Randolph, reported adversely to the bill to declare Elizabeth Gilliland, of Blount county, a free dealer; which report was concurred in.

Mr. Smith, of Randolph, reported favorably to the bill for the relief of James Seales, jr.; which was ordered to be engrossed.

Yeas 54, nays 22.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Bell of Talladega, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskaloosa, Bulger, Calfee, Caldwell, Cary, Chamberlain, Clayton, Colbert, Coleman, Denman, Edwards, Eustace, Griffin, Harris, Houston, Huckabee, Irby, Jackson, Johnston of Perry, Jones, Little, Majors, Martin of Dale, McCall, McGhee, McRae, Murphree of Pike, Murphy of Henry, Nabors, Nelson, Parker, Pennington, Reedus, Register, Reid, Simpson, Slade, Smith of Coosa, Smith of Randolph, Staton, Stiff, Talley, Tate and Williamson—54.

Nays—Messrs. Baugh, Clarke, Cullum, Drummond, Espy, Hammonds, Herndon, Kennedy, Lesueur, Mabry, Mardis, Martin of Talladega, Morgan, Powell, Pynes, Richardson of Cherokee, Scott, Sheffield, Smith of Jefferson, Walden, Warren, and Wood—22.

Mr. Smith, of Randolph, reported adversely to the bill for the relief of Nancy B. Hood, of Coosa county; which report was concurred in.

The hour of 11 o'clock having arrived, for which hour there was a special order,

On motion of Mr. Staton, the special order was suspended, to allow the standing committees to report.

Mr. Morgan reported favorably to the bill for the relief of Jno. D. Price, of Jefferson county ;

Also, to the bill to repeal an act to regulate the license of pedlars in Chambers county ;

Also, to the bill for the relief of Wm. L. Butler, of Shelby county.

Which bills were severally ordered to be engrossed.

#### REPORTS FROM THE COMMITTEE ON ACCOUNTS AND CLAIMS.

Mr. Coleman, to whom was referred the accounts of Joseph J. Sublett, jailor ; J. S. Gilder, for medical services ; Thos. Chilcoat, of Hancock county ; W. Harvell, of Sumter ; and J. W. Faith, reported a bill for the use of certain persons therein named ; which was read, and ordered to a second reading.

#### REPORTS FROM COMMITTEE ON PUBLIC PRINTING.

Mr. Stiff reported favorably to the bill to provide for binding the manuscript acts of the legislature ; which was ordered to be engrossed.

#### REPORTS FROM COMMITTEE ON COUNTY BOUNDARIES.

Mr. Brown, of Marion, reported adversely to a petition of sundry citizens praying that part of Talladega county be added to the county of Greene.

The report was concurred in.

Mr. Brown, of Marion, reported favorably to the bill to locate the county site of Hancock county ; which bill was ordered to be engrossed.

#### REPORTS FROM THE COMMITTEE ON DIVORCE AND ALIMONY.

Mr. Nabors reported a bill to divorce Nancy H. Allen from her husband, Julius Allen, and to divorce other persons therein named, in compliance with sundry records of divorce ; which was read, and ordered to a second reading.

#### REPORTS OF THE COMMITTEE ON CORPORATIONS.

Mr. Hale reported an amendment to the Senate bill to incorporate the city of Eufaula :

Strike out " bill " in 16th section of the bill and insert " act ".

Amendment adopted, and bill ordered to a third reading.

Mr. Hale reported amendments to the bill to incorporate the Mobile Omnibus company, as follows:

Insert after the word "consist of" in 2nd line of the 2nd section the words "not less than fifteen hundred dollars, nor more than" add

"SECTION 5. *Be it further enacted,* That said company shall not commence operations until there is at least one thousand dollars of the capital stock paid in cash, and the balance thereof secured, and this act of incorporation shall only continue in force for ten years, from and after its passage, unless hereafter extended."

Which amendments were adopted, and the bill ordered to be engrossed.

Mr. Hale reported amendments to the bill to amend the charter of the Steamship companies, as follows:

Strike out of the bill the words "or hereafter" where they occur in the 10th line of the 1st section."

Insert after the words "see fit" in the 12th line thereof, "for the space of ten years from the passage of this bill."

Also, strike out the 2nd section of said bill.

Amendments were adopted, and the bill ordered to be engrossed.

Mr. Hale reported favorably to the bill to establish a Medical Board in the county of Pike; which bill was ordered to be engrossed.

Mr. Hale reported favorably to the bill to incorporate the Lawrenceville Male and Female Academy.

Mr. Smith, of Lauderdale, moved to amend, by striking out the last section of the bill.

Lost.

Yeas 16, nays 65.

Yeas—Messrs. Baskins, Brown of Tuscaloosa, Cloud, Coleman, Cullum, Espy, Goode, Holly, Jackson, Pennington, Richardson of Cherokee, Scott, Sheffield, Smith of Lauderdale, Tait and Warren—16.

Nays—Messrs. Speaker, Aldridge, Allen, Baugh, Bell of Talladega, Bennett, Boatright, Brewer, Brock, Browder, Brown of Marion, Bulger, Calfee, Caldwell, Cary, Chamberlain, Clarke, Clayton, Colbert, Denman, Dillard, Echols, Edwards, Griffin, Hale, Hammonds, Harris, Herndon, Hobbs, Houston, Jeter, Johnston of Perry, Jones, Kennedy, Lesueur, Little, Mabry, Magers, Mardis, Martin of Dale, Martin of Talladega, McRae, Morgan, Murphree of Pike, Murphy of Henry, Neal, Nabors, Parker, Powell, Pynes, Reedus, Register, Reid, Remson, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Ran-

dolph, Staton, Stiff, Thompson, Walden, Williamson and Wood—65.

Mr. Bennett moved to amend as follows:

“And that the provisions of the 3rd section of this act shall be extended to the Gadsden Male and Female Academy in the county of Cherokee.”

Which was adopted.

Mr. Drummond moved to amend, by striking out all after the enacting clause, except the third section of the bill.

The hour of 12 o'clock having arrived, the House proceeded to consider the general orders of the day, which,

On motion of Mr. Hobbs, were suspended, to allow committees to furnish reports.

Mr. Pynes moved the previous question; and,

The Speaker announced, shall the main question be now put?

Yeas 66, nays 11.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Baugh, Bell of Talladega, Bennett, Boatright, Brewer, Brower, Brown of Marion, Brown of Tuskalooza, Bulger, Caldwell, Cary, Clarke, Clayton, Colbert, Dillard, Echols, Edwards, Eustace, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Hobbs, Houston, Huckabee, Irby, Jackson, Jeter, Johnston of Perry, Kennedy, Little, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McKee, Morgan, Murphree of Pike, Murphy of Henry, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Register, Reid, Remson, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Staton, Stiff, Talley, Thompson, Weaver, Williamson and Wood—66.

Nays—Messrs. Brock, Coleman, Drummond, Espy, Jackson, Nabors, Richardson of Cherokee, Sheffield, Smith of Lauderdale, Tait and Warren—11.

The previous question was sustained.

The bill was ordered to be engrossed.

Message from the Governor, by Mr. Powell, his private secretary:

The Governor has approved of the following bills which originated in the House of Representatives:

An act in regard to the administration of oaths;

An act for the relief of John W. Creigh, of Wilcox county;

An act to provide for the location of the court house in the county of Bibb.

The Speaker called the attention of the House to the communication of John Whiting, commissioner and trustee.

Mr. Clayton moved to suspend the business before the House to consider the communication; when,



On motion of Mr. Jones, the communication was laid on the table.

When Mr. Jones, from the joint committee, appointed by both houses, reported as follows:

The joint committee of the two houses, appointed to confer and advise with John Whiting, commissioner and trustee, to close the remaining affairs of the Bank of the State of Alabama and its Branches, have had frequent and free conference with said commissioner and trustee upon matters connected with the payment of the State bonds due in London on the first of January next, and the means of providing therefor, are gratified at the present prospect of meeting the State's obligations with her usual and uniform promptness, as will be seen from the report of the commissioner and trustee of this State; and your committee fully approving the recommendations and suggestions contained in his said report, have instructed their respective chairman to report the following bill, and recommends its passage.

R. JEMISON,

Chairman Senate Committee.

WM. R. JONES,

Chairman House Committee.

Mr. Jones reported the bill to authorize the issuance of State bonds, and other purposes; which was read, and laid on the table.

Mr. Dillard, from the committee on Corporations, to whom was referred the bill to incorporate the Alabama Fire and Marine Insurance company, reported a substitute thereto; which was adopted.

Mr. Wood moved to amend:

*Provided*, That said Insurance company shall not act as the agent of any bank or other company, incorporated by, or located in another State, in carrying on the business of banking in this State, and shall not borrow or obtain from such bank or company, any bank notes, money, or credits, and use the same in this State in lending out the same, or in discounting notes, or dealing in exchange.

Mr. Morgan moved to lay the amendment on the table; and,

On motion of Mr. Wood, the further consideration of the bill and amendment was postponed until Wednesday next, and made the special order for 11 o'clock.

Yeas 64, nays 8.

Yeas—Messrs. Adams, Aldridge, Baskins, Bell of Talladega, Brewer, Brock, Browder, Brown of Marion, Calfee, Cary, Cham-

berlain, Clarke, Clayton, Cloud, Colbert, Coleman, Cullum, Denman, Drummond, Edwards, Espy, Eustace, Hale, Hammonds, Herndon, Hobbs, Holly, Houston, Huckabee, Jeter, Jones, Kennedy, Lesueur, Little, Mabry, Marois, Martin of Dale, Martin of Talladega, McGhee, McRae, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Parker, Pennington, Powell, Pynes, Register, Reid, Richardson of Cherokee, Scott, Sheffield, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Statton, Stiff, Talley, Walden, Warren, Williamson and Wood—64.

Nays—Messrs. Allen, Baugh, Goode, Jackson, Morgan, Remson, Simpson, and Smith, of Randolph—8.

Mr. Hale reported amendments to the bill to incorporate the Pickens Insurance company, as follows:

“Strike out ‘section nine,’ and insert: *Be it further enacted*, That all public laws now in force, or, which hereafter may be passed, prohibiting or regulating agencies for foreign banks or in relation to the distribution of the issues of foreign banks or companies as money shall operate upon, and apply to the corporation hereby created.”

“Amend section eight: *Provided*, That nothing in this act contained, shall be so construed as to authorize said company to issue any notes, bills, certificates of deposit, or other thing, to circulate as money”; add at the end of the twelfth section, “and the corporate rights and franchises by this act conferred, shall cease at the expiration of ten years.”

Which amendments were adopted.

Mr. Hale reported an amendment to the bill to incorporate the Eutaw Insurance company, as follows:

“Add to the eighth section: *Provided*, That nothing in this act contained, shall be so construed as to authorize said company to issue any notes, bills, certificates of deposits, or any other thing, to circulate as money. “Add section tenth, *Be it further enacted*, That all public laws now in force, or which may hereafter be passed, prohibiting or regulating agencies for foreign banks or in relation to the circulation of the issues of foreign banks or companies, as money shall operate upon and apply to the corporations hereby created”; add to section twelve, “and the corporate rights and franchises by this act conferred, shall cease at the expiration of ten years.”

Which amendments were adopted.

Mr. Hale reported amendments to the bill to incorporate the Livingston Insurance company, as follows:

“Add section twelve, *Be it further enacted*, That all public laws now in force, or which may hereafter be passed, prohibiting or

regulating agencies for foreign banks or in relation to the circulation of the issues of foreign banks or companies as money shall operate upon, and apply to the corporation hereby created, and all the corporate rights and franchises by this act conferred, shall cease and determine at the expiration of ten years."

Which amendment was adopted.

Mr. Hale reported an amendment to the bill to incorporate the Lubbub Insurance company, as follows:

"Strike out the ninth section and insert: *Be it further enacted*, That all public laws now in force, or which may hereafter be passed, prohibiting or regulating agencies for foreign banks or in relation to the circulation of the issues of foreign banks or companies as money shall operate upon, and apply to the corporation hereby created, and the corporate rights and franchises by this act conferred, shall cease and determine at the expiration of ten years from the passage of this act."

Which was adopted, and the several corporation bills made the special order for Wednesday next, at 11 o'clock.

Mr. Hale reported favorably to the bill to authorize the Mobile Marine Railway and Insurance company to consolidate its capital stock; which was ordered to be engrossed.

Mr. Hale reported amendments to the bill to incorporate the Selma and Gulf Railroad company:

Add to section nine, *Provided*, That the navigation of said river shall not be thereby obstructed or in any way impeded; insert after the word "if" in the thirty-first line of section eleven, the words, "notice of"; which was adopted, and bill ordered to be engrossed.

Mr. Hobbs reported favorably to the bill to incorporate the Columbus and Tennessee Valley Railroad company; which was ordered to be engrossed.

Mr. Hobbs reported amendments to the bill to incorporate the North Alabama Agricultural and Mechanical Society:

Strike out "society," where it occurs in the bill, and insert, "association"; strike out the names of Lemuel Elliott and R. M. Patton, where they occur, and insert, Nelson Fennell and James Jackson; which were adopted, and ordered to be engrossed.

Mr. Drummond reported amendments to the bill to incorporate the Mobile and Ohio Telegraph company:

"Amend tenth section, by inserting after the words, "or State prison," "at the discretion of the jury trying the same"; add section thirteen, *Be it further enacted*, That nothing in this act contained shall be so construed as to prevent the General Assembly from chartering at any time another Telegraph company, with power to construct another line of telegraph on the same

route, and between the same points herein designated"; which amendments were adopted, and the bill ordered to be engrossed.

REPORTS FROM THE COMMITTEE ON BANKS AND BANKING.

Mr. Wood reported a substitute for the bill in relation to the suspension of specie payments by the Commercial Bank of Alabama; which substitute was adopted, and made the special order for Thursday next, at 11 o'clock, and three hundred copies ordered to be printed.

Leave of absence was then granted to Messrs. Adams, Mabry and Flournoy; when,

On motion, the House adjourned until half past 9 o'clock, on Monday.

MONDAY, December 7th, 1857.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Mitchell.

The journal of yesterday was read, corrected and approved.

CALL OF COUNTIES.

Bills were introduced by:

Mr. Staton: to establish a company beat in Blount county;

Mr. Coleman: to amend the free school law in this State;

Mr. Clarke: to authorize Edward R. Stanly to lease the lands of his ward;

Mr. Williamson: more effectually to provide for the recovery of runaway slaves;

Mr. Richardson, of Monroe: to declare Geo. W. Salter a citizen of Monroe county;

Mr. Nabors: joint resolutions in relation to the slave trade; also,

To provide for the printing of the reports of the treasurer and comptroller of public accounts.

Mr. Hammonds: joint resolutions proposing amendments to the Constitution;

Mr. Slade: to establish an election precinct in beat number 4, in Washington county;

Mr. Tait: to prevent gaming among slaves; which bills were severally read the first time, and ordered to a second reading.

Mr. Richardson, of Cherokee: to provide for the extension of the debts due 16th sections;

Mr. Houston: for the relief of Greene W. Grant; which bills were severally read first time, and under a suspension of the constitutional rule, were severally read a second time, and referred to the committee on 16th Sections.

Mr. Smith, of Jefferson, presented the petition of Thomas W. Atkins; which was referred to the committee on 16th Sections.

Mr. Herndon: the bill to amend an act approved January 15th, 1844, to consolidate the several acts of incorporation of the city of Mobile, and to amend and alter the same; which bill was read once, and the constitutional rule having been suspended, was read, and referred to the Judiciary committee.

Mr. Richardson, of Cherokee, presented the petition of John G. Meanes, and others; which was referred to the committee on the Judiciary.

Mr. Hobbs presented the petition of R. Virginia Hurt; which was also referred to the committee on the Judiciary.

Mr. Irby presented the memorial of Alabama and Tennessee Rivers Railroad company; which was referred to the committee on Internal Improvements.

Mr. Harris: the bill to incorporate the town of Maysville, in the county of Madison, and under a suspension of the constitutional rule, was read a second time, and referred to the committee on Incorporations.

Mr. Johnston, of Perry: the bill to establish a board of physicians in the county of Perry; which, under a suspension of the constitutional rule, was read a second time, and referred to the committee on Incorporations.

Mr. Reid presented the petition of G. A. Tierce, and others; which was referred to the committee on Propositions and Grievances.

Mr. Williamson, from the committee on Enrolled Bills, reported the bill for the relief of the administrator of Peter F. Patrick, correctly enrolled.

Mr. Stiff, from the committee on Public Printing, to whom was referred the communication of Albert Elmore, clerk of the House, requesting instructions in regard to the State Printing, beg leave to report, that they have had the same under consideration, and upon examination of the official papers now in file in the office of secretary of State, find that the contract of Messrs. Bates & Lucas, to execute the State Printing for the term of two years, expired on the 3d day of December instant.

They also find the bond of the new contractor, Dr. N. B. Cloud, filed according to law, and the same has been approved by the Governor.

The committee, therefore, recommend that the work which has been ordered to be printed prior and up to the 3d day of December instant, be handed over to Messrs. Bates & Lucas. From and after that date, in their opinion, Dr. N. B. Cloud, the new contractor, is entitled to the public printing.

The committee also take this occasion to state that experience has shown the present system of executing the State printing to be radically wrong, and that work is thereby often subjected to much unnecessary delay and neglect. They therefore give notice of a bill providing for the election of State Printer in future by the General Assembly ; which report was concurred in.

#### REPORT FROM THE COMMITTEE ON ROADS, BRIDGES AND FERRIES.

Mr. Register reported favorably to the bill to repeal an act therein named, and said bill was ordered to be engrossed ; also,

Adversely to the bill to change the mode of giving notice to discontinue, alter or change public roads ; which report was concurred in.

Mr. Nelson reported favorably to the bill to authorize Mr. J. Tarver, and others, to establish a ferry across the Alabama River at Selma ; also,

To secure the right of way to owners of swamp lands to drain the same ; also,

To the bill to appoint overseers of roads, and for other purposes, in the county of Marion ; also,

To the bill authorizing judges of probate to pay justices of the peace and constables for their services, in prosecuting defaulting road hands ; which bills were severally ordered to be engrossed.

#### REPORT FROM THE JUDICIARY COMMITTEE.

Mr. Jones reported back the bill to regulate the time of holding the circuit courts of the first judicial circuit, and recommended its reference to a special committee of one member of each county of said circuit.

Said report was concurred in.

Mr. Jones reported back to the House the bill to change the time of holding the chancery court for the 38th and 39th districts, Northern divisions of Alabama, and asked that they be discharged from the further consideration of the same.

On motion of Mr. Jones, the report was laid on the table, and the bill was ordered to be engrossed.

Mr. Jones reported back to the House the petition of Wm. T. Hall and Geo. W. Zeigler, and asked that the committee be discharge from the further consideration of the same.

The report was concurred in.

Mr. Jones reported favorably to the Senate bill, to authorise L. V. Underwood to hire out the slaves of his ward in certain counties in Mississippi ; also,

To the Senate bill, for the relief of witnesses and jurors in certain cases therein specified; which bills were severally ordered to a third reading.

Mr. Jones reported adversely to the Senate bills, to amend the attachment laws;

To amend section 2331 of the Code of Alabama; which reports were concurred in.

Mr. Jones reported amendments to the Senate bill, to authorize executors, administrators and guardians to collect compound interest in certain cases, as follows: strike out words "executors, administrators and" where they occur in the fourth line, the words "executors administrators or" when they occur in the seventh line, and the words "administrators, executors or" when they occur in the ninth line; also, strike out the words "due and payable to them" where they occur in the sixth line, and insert in lieu thereof "hereafter taken by, or executed by to them;" also, to the bill to amend the act of February 15th, 1856, authorizing the issuance of attachments out of chancery court, by striking out "writs of" when they are unnecessarily reported; which amendments were adopted, and the bills ordered to a third reading.

Mr. Hale reported an amendment to the Senate bill to authorize Lemuel A. Gilkey, judge of probate for Pickens county, to act as guardian of Walter M. Gilkey, a minor, as follows:

*"Be it further enacted,* That in the event of the death of the said guardian, the register aforesaid shall have full power to settle up his guardianship with his personal representative in all respects as is now or may hereafter be provided by law for settlements in such cases, before the probate court."

Which amendment was adopted, and the bill ordered to a third reading.

Mr. Hale reported adversely to the bill to allow solicitors and the attorney general fees in certain cases; which report was concurred in.

Mr. Hale reported adversely to the bill defining the duty of sheriffs and constables in the county of Cherokee.

Mr. Coleman moved to lay the report on the table.

The hour of 11 o'clock arrived, and the House proceeded to the consideration of the special order for this hour, viz:

The bill, together with the amendments, more effectually to prevent banks of other States from carrying on the business of banking in this State.

The question being on the indefinite postponement of the bill,

Mr. Jones moved to suspend the consideration of the special order, to take from the table the bill to authorize the issuance of State bonds, and for other purposes.

When the hour of 12 o'clock arrived, and the House proceeded to the consideration of the general orders.

Mr. Jones moved to suspend the consideration of the general orders, for the purpose of considering the motion made by himself.

Lost.

Yeas 23, nays 67.

Yeas—Messrs. Speaker, Aldridge, Baskins, Chamberlain, Colbert, Denman, Drummond, Hale, Herndon, Hobbs, Houston, Irby, Johnston of Perry, Jones, Mardis, Molton, Neal, Nelson, Powell, Scott, Walden, Warren and Wood—23.

Nays—Messrs. Allen, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Brewer, Brock, Browder, Brown of Marion, Brown of Tuscaloosa, Bulger, Calfee, Caldwell, Cary, Clarke, Clayton, Cloud, Coleman, Cullum, Dillard, Echols, Edwards, Espy, Eustace, Goode, Griffin, Hammonds, Harris, Holly, Huckabee, Jackson, Johnson of Tallapoosa, Kennedy, Lesueur, Majors, Martin of Dale, Martin of Talladega, McCall, McGhee, McRae, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Parker, Pennington, Pynes, Reedus, Register, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Sheffield, Simpson, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Tait, Thompson, Williamson and Wright—67.

Message from the Governor, by Mr. Weaver :

Mr. Speaker: The Governor has approved a bill, which originated in the House, of the following title:

An act for the relief of the administrator of Peter F. Patrick.

Mr. Johnson, of Tallapoosa, moved to suspend the consideration of the general orders, for the purpose of proceeding with the special order now under consideration; which motion prevailed; and after some discussion,

Mr. Irby entitled to the floor,

On motion, the House adjourned until half past 9 o'clock, tomorrow morning.

TUESDAY, December 8th, 1857.

House met pursuant to adjournment.

The journal was read and approved.

Mr. Smith, of Lauderdale, moved to suspend the call of the counties, to make the motion,

That the door-keeper of the House be authorized to employ assistance, as page, or otherwise.

The House refused the authority.



Mr. Speaker laid before the House sundry records of divorce; which were referred to the committee on Divorce and Alimony.

Leave of absence was then granted to Mr. Mardis.

Mr. Brewer moved to suspend the call of counties, for the purpose of taking from the table the bill to elect a county treasurer by the people of Coosa county.

Motion prevailed.

Mr. Drummond moved to amend, by way of engrossed ryder:

*Be it further enacted*, That the provisions of this act shall apply to each and every county in this State.

Which engrossed ryder,

On motion of Mr. Morgan, was laid on the table.

Mr. Nabors moved the indefinite postponement of the bill.

Lost.

And the House then refused to pass the bill.

Mr. Johnston, of Perry, moved to suspend the call of the counties, for the purpose of considering the resolution of the House, as amended by the Senate, to bring on the elections of secretary of state, comptroller of public accounts, treasurer and superintendent of public education.

The motion prevailed, and the House concurred in the amendment of the Senate; which was ordered forthwith to the Senate.

Mr. Speaker laid before the House a communication from the secretaty of state, in regard to the report of the secretary and collector of the board of school commissioners in the county of Mobile; which was referred to the delegation of Mobile.

Mr. Jones moved an additional rule to the rules of this House, as follows:

“Messages from the Senate are to be taken up and acted upon as soon as the subject before the House, when they are received, is disposed of.”

Which lays over one day, under a rule of the House.

Mr. Caldwell moved to suspend the call of counties, to allow him to make a report from the joint committee appointed by the Speaker of the House and President of the Senate, under a resolution to examine the offices of comptroller and treasurer.

Carried.

Mr. Caldwell then made the following

#### REPORT:

The joint committee of the two Houses of the General Assembly, appointed by the presiding officer of each House, as provi

ded in section 34 of the Code, to examine the offices of comptroller and treasurer report—

That they commenced the examination on the 13th, and closed on the 30th November, 1857. That they examined carefully all the books in the treasurer's office, from the 30th September, 1855, to 30th November, 1857, a period of two years and two months, and find them all to be correct. That they find the amount of receipts and disbursements, during the same time have been as follows :

Receipts during the fiscal year, ending 30th September, 1856.....	\$798,003 46
Add balance on hand, 30th September, 1855...	1,193,732 43
	<hr/>
	\$1,991,735 89
Disbursements during same period.....	487,946 99
	<hr/>
	\$1,503,788 90
Receipts during the fiscal year, ending 30th September, 1857.....	921,842 23
	<hr/>
	\$2,425,631 13
Disbursements during same period.....	790,359 33
	<hr/>
Balance in the treasury 30th September, 1857,	\$1,635,271 80
Receipts from 30th September, to 30th November, 1857.....	37,857 97
	<hr/>
Making together the sums of.....	\$1,673,129 77
Disbursements during the same period.....	25,051 02
	<hr/>
Showing a balance to be accounted for on 30th November, 1857, of.....	\$1,648,078 75
To meet this balance, your committee counted with care all the moneys in the treasury on that day, and found that the same amounted to the said sum of.....	\$1,648,078 75
Consisting of the following description of funds, to-wit:	
In notes of the State Bank and Branches.....	\$1,134,054 00
“ “ “ Central Bank of Alabama.....	382,740 00
“ “ “ Northern Bank of Alabama....	21,726 00
“ “ “ Bank of Montgomery.....	8,597 00
In notes and certificates of the Bank of Mobile, and notes of the Southern Bank of Ala...	65,642 17
In Gold.....	32,842 32

In Silver.....	2,477 26
	<hr/>
	\$1,648 078 75

Your committee next proceeded to the comptroller's office, and there examined all the books and vouchers of that department for the same period of time embraced in their examination of the treasurer's office, as aforesaid, by comparing the vouchers with the entries thereof in the books, carefully casting up the footings and testing the extension, all of which were found correct; and that all the warrants drawn during the same time were issued in pursuance of law. Your committee find that the amount of receipts and disbursements during the time embraced in the examination, as shown by the comptroller's books, were as follows:

Receipts during the fiscal year, ending 30th September, 1856.....	\$798,003 46
Add balance on hand 30th September, 1855....	1,192,652 96
	<hr/>
	\$1,990,656 42
Disbursements during the same period.....	486,867 52
	<hr/>
Balance on hand 30th September, 1856.....	\$1,503,788 90
Receipts during fiscal year ending 30th September, 1857.....	921,842 23
	<hr/>
	\$2,425,631 13
Disbursements during the same time.....	790,416 33
	<hr/>
Showing a balance on 30th September, 1857...	\$1,635,214 80
Receipts from 30th September to 30th November, 1857.....	37,857 97
	<hr/>
Making together the sum of.....	1,673,072 77
Disbursements during the same time.....	25,350 72
	<hr/>
Balance to be accounted for Nov. 30th, 1857...	\$1,647,722 05

The apparent discrepancy of \$356 70 in the balances and disbursements, as shown in the comptroller's and treasurer's office, your committee find to be in consequence of the fact that warrants were then outstanding for the same amount, which, when presented and paid, will produce a perfect agreement between them.

Your committee would also report that the comptroller exhibited sundry packages, purporting to contain mutilated notes of the Bank of Montgomery, amounting to the sum of fifty-nine

thousand three hundred and forty dollars, which notes had been cancelled, and in place thereof the same amount had been countersigned by the comptroller and delivered to said bank, as authorized by section 1419 of the Code.

Your committee fully concur with the comptroller in the recommendations in his biennial report that provisions be made by law for the destruction of said mutilated notes.

In conclusion, your committee take pleasure in stating, that whilst engaged in the tedious discharge of their duties the past month, the officers of the two departments were prompt in affording every aid to facilitate their labors, and the committee have no hesitation in saying that the confidence heretofore reposed in them has been fully justified by an unusual neatness of the records, and an able and faithful discharge of public duty.

R. M. PATTON, Ch'n Senate Com.

J. H. CALDWELL, Ch'n House Com.

Mr. Speaker announced the committee to whom was referred the bill to regulate the time of holding the circuit courts of the first judicial circuit: Messrs. Brewer, Parker, Johnston of Perry, and Lesueur.

Mr. McRae offered joint resolutions proposing an adjournment; which were read.

Mr. Espy moved to suspend the constitutional rule so as to give the joint resolutions a second reading forthwith; which was lost, and the yeas were 29, nays 54, upon ordering the joint resolutions to a second reading.

Yeas—Messrs. Brock, Browder, Bulger, Clayton, Coleman, Denman, Dillard, Echols, Espy, Griffin, Hobbs, Holly, Johnson of Tallapoosa, Lesueur, Majors, Martin of Dale, McRae, Parker, Powell, Reedus, Remson, Richardson of Monroe, Simpson, Slade, Smith of Lauderdale, Walden, Warren and Wood—29.

Nays—Messrs. Speaker, Aldridge, Allen, Baskins, Baugh, Bell of Talladega, Bennett, Boatright, Brewer, Brown of Marion, Brown of Tuskaloosa, Calfee, Chamberlain, Cary, Clarke, Colbert, Cullum, Drummond, Edwards, Eustace, Flournoy, Goode, Hale, Hammonds, Harris, Herndon, Houston, Huckabee, Irby, Jackson, Johnston of Perry, Jones, Kennedy, Little, Mabry, Martin of Talladega, McCall, McGhee, Morgan, Murphy of Henry, Neal, Nelson, Pennington, Pynes, Register, Scarborough, Scott, Sheffield, Smith of Jefferson, Smith of Randolph, Staton, Talley, Tait, Thompson, Williamson and Wright—54.

Mr. Griffin moved to suspend the call of the counties to take from the table the Senate resolution to adjourn *sine die* on the 22d.

Mr. Hobbs moved that the House take a short recess, so as to allow the doorkeeper time to prepare the Hall with seats for Senators, before going into elections.

The motion prevailed.

Eleven o'clock having arrived, the House met, when,

On motion of Mr. Houston, the Senate was invited into the Hall of the House for the purpose of going into the various elections appointed for this hour, and the Senate by invitation appeared within the Hall of the House, when the two houses in joint convention proceeded to the election of secretary of state.

James Hawkins Weaver, alone being in nomination, and having received all the votes given, viz: (120,) was declared by Mr. Speaker to have been duly and constitutionally elected secretary of state, for the term prescribed by the constitution.

The convention then proceeded to the election of comptroller of public accounts.

Wm. J. Green alone being in nomination, and having received all the votes given, viz: (119,) except Mr. Morgan, who voted for Mr. Joel Riggs, was declared by Mr. Speaker to have been duly and constitutionally elected comptroller of public accounts for the term prescribed by the constitution.

The convention then proceeded to the election of a state treasurer; and,

Wm. A. Graham alone being in nomination, and having received all the votes given, viz: (116,) except Messrs. Clitherall and Clarke, who voted for Mr. Duncan Graham, Mr. Speaker declared Wm. A. Graham to be elected treasurer for the time prescribed by the constitution.

The convention then proceeded to the election of superintendent of free public schools; and,

Wm. F. Perry alone being in nomination, and having received all the votes given, viz: (116,) was declared by Mr. Speaker to have been duly and constitutionally elected for the term prescribed by law.

And the Senate withdrew to its chamber.

The House then proceeded to the consideration of the special order, it being the bill more effectually to prevent banks of other States to carry on the business of banking in this State; when,

The hour of 12 o'clock arrived, and Mr. Smith, of Lauderdale, moved to suspend the consideration of the general orders for the purpose of proceeding with the bill under consideration.

Motion prevailed.

Pending the consideration of which bill the Speaker announced a communication from John Whiting, commissioner and trustee.

Mr. Powell moved to suspend the special order (he being entitled to the floor) for the purpose of considering the communication just received.

Motion prevailed.

The communication was read.

Mr. Hobbs moved to suspend all business before the House to take up the bill reported by the joint committee, to authorize the State of Alabama to issue bonds, and for other purposes.

Motion prevailed.

Yeas 44, nays 34.

Yeas—Messrs. Speaker, Aldridge, Baskins, Bell of Talladega, Boatright, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskalooza, Calfee, Cary, Clayton, Drummond, Hale, Harris, Herndon, Hobbs, Houston, Huckabee, Irby, Jackson, Jeter, Johnston of Perry, Jones, Kennedy, Lesueur, Mabry, McCall, McRae, Molton, Murphree of Pike, Murphy of Henry, Parker, Powell, Reedus, Scarborough, Scott, Slade, Smith of Lauderdale, Smith of Randolph, Talley, Walden, Williamson and Wood—44.

Nays—Messrs. Allen, Baugh, Bell of Franklin, Bulger, Caldwell, Clarke, Denman, Dillard, Echols, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Hammonds, Holly, Johnson of Tallapoosa, Little, Martin of Dale, Martin of Talladega, Morgan, Pynes, Register, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Sheffield, Simpson, Smith of Jefferson, Staton, Thompson and Wright—34.

The bill was read the second time.

Mr. Smith, of Lauderdale, moved to amend as follows :

Strike out all after the enacting clause and insert: "That the commissioner and trustee is hereby directed to use all the available funds within his command belonging to the State, in paying off those bonds held in small amounts by the creditors of the State; and if the means then to be raised are insufficient to discharge the amounts due to creditors who hold but small amounts of the bonds, then said commissioner to be directed to sell so many of the North Carolina and Virginia bonds, as will meet the said amounts due the small bond holders.

*Be it further enacted,* That said commissioner and trustee be directed to apply for, and obtain if possible, an extension on whatever may remain unpaid on the bonds due by the State.

Mr. Harris moved to amend as follows:

Strike out all after the enacting clause, and insert the following, viz.: "That the treasurer of the State of Alabama be directed forthwith to present all of the notes of the Central Bank of the State of Alabama, which may be in the State treasury, for pay-

ment at the counter of said Bank; and if they are not paid, to have the same protested; if paid, that so much of the money received as may not be needed for other indispensable purposes, be placed at the disposal of the commissioner and trustee with instructions to use the same in payment of the bonds of the State, which fall due on the firstday of January next.

SECTION 2. *Be it further enacted,* That if the sums realized by the provisions of the foregoing section, together with any other funds which are now at the disposal of said commissioner and trustee, (excepting the bonds of Virginia and North Carolina,) shall not be sufficient to discharge said first mentioned bonds, then, and in that event, it may be lawful for the Governor of the State of Alabama to issue as many bonds of this State, to fall due on the first day of July next, as shall be necessary to make up said deficiency, which said bonds shall not exceed the sum of fifty thousand dollars each, and shall not bear a larger rate of interest than — per cent.

SECTION 3. *Be it further enacted,* That in no event, shall the commissioner and trustee dispose of said bonds for less than one hundred cents in the dollar of their respective amounts.

SECTION 4. *Be it further enacted,* That if on the presentation of the notes of said Central Bank, at the counter thereof, the said Bank shall furnish any funds which the said commissioner and trustee may be able to use at par in the payment of the bonds of this State, falling due on the 1st January next; then, and in that event, so many of the notes of said Bank as were equal in value and amount to the funds thus furnished shall be delivered to said Bank.

SECTION 5. *Be it further enacted,* That the bonds, if any, which may be issued under this act, be placed at the disposal of the commissioner and trustee, to meet the payments of the bonds of the State which fall due on the 1st day of January next, and that they shall not be used for any other purpose; and in the event they are not used, they shall be returned to the executive office, and it shall be the duty of the Governor to cancel the same.

Mr. Drummond moved to amend as follows:

*Provided,* That the holders of the said bonds for the payment of which the North Carolina and Virginia bonds are hypothecated, shall at any time when the commissioner and trustee shall direct, before the maturity of said bonds, for the issuance of which this act provides, and in such quantities as the said commissioner and trustee shall direct, sell such North Carolina and Virginia bonds, and appropriate the proceeds to the payment of said bonds of the State.

Mr. Williamson moved to refer the bill and amendments to the committee on Ways and Means.

A message from the Senate by Mr. Brittan :

Mr. Speaker: the Senate has passed joint resolutions more effectually to provide for the payment of State bonds due in London, in January next;

Also passed a bill :

To enforce a compliance of their contract by the late public printers.

Mr. Jones moved to suspend the business before the House to take up the joint resolutions just received from the Senate.

Motion prevailed.

Yeas 46, nays 35.

Yeas—Messrs. Speaker, Aldridge, Bennett, Boatright, Brewer, Brock, Browder, Brown of Tuskalooza, Bulger, Calfee, Clarke, Clayton, Colbert, Dillard, Drummond, Echols, Edwards, Flournoy, Griffin, Hale, Herndon, Houston, Huckabee, Jackson, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Mabry, Martin of Dale, McCall, McRae, Murphree of Pike, Murphy of Henry, Neal, Nelson, Powell, Scott, Sheffield, Simpson, Slade, Smith of Lauderdale, Staton and Thompson—46.

Nays—Messrs. Allen, Baugh, Bell of Talladega, Brown of Marion, Caldwell, Cary, Denman, Espy, Eustace, Goode, Hammonds, Harris, Hobbs, Holly, Kennedy, Lesueur, Little, Majors, Martin of Talladega, McGhee, Parker, Pennington, Pynes, Register, Reid, Richardson of Cherokee, Richardson of Monroe, Scarborough, Smith of Jefferson, Smith of Randolph, Talley, Walden, Williamson, Wood and Wright—35.

Mr. Hammonds moved to adjourn.

Lost.

Yeas 32, nays 50.

Yeas—Messrs. Aldridge, Allen, Baugh, Bell of Talladega, Bennett, Boatright, Brock, Brown of Marion, Cloud, Cullum, Eustace, Hammonds, Johnson of Tallapoosa, Kennedy, Lesueur, Little, Martin of Talladega, McCall, McGhee, Pennington, Pynes, Register, Reid, Richardson of Cherokee, Scarborough, Simpson, Slade, Smith of Jefferson, Smith of Randolph, Staton and Williamson—32.

Nays—Messrs. Speaker, Brewer, Browder, Brown of Tuskalooza, Calfee, Caldwell, Cary, Clarke, Clayton, Colbert, Denman, Dillard, Drummond, Echols, Edwards, Espy, Flournoy, Griffin, Hale, Harris, Herndon, Hobbs, Holly, Houston, Huckabee, Irby, Jackson, Jeter, Johnston of Perry, Jones, Mabry, Majors Martin of Dale, McRae, Murphree of Pike, Murphy of Henry, Neal, Nelson, Parker, Parker, Powell, Reedus, Richardson, of Monroe,



Scott, Sheffield, Smith of Lauderdale, Talley, Thompson, Walden, Wood and Wright—50.

The joint resolutions were then read.

Mr. Goode moved to lay the joint resolutions on the table.

Lost.

Yeas 34, nays 48.

Yeas—Messrs. Allen, Bell of Talladega, Bennett, Brown of Marion, Caldwell, Cloud, Cullum, Denman, Edwards, Espy, Eustace, Goode, Hammonds, Harris, Kennedy, Lesueur, Little, Martin of Talladega, McCall, McGhee, Morgan, Pennington, Pynes, Reedus, Register, Reid, Richardson of Cherokee, Richardson of Monroe, Slade, Smith of Jefferson, Smith of Randolph, Staton, Talley, and Williamson—34.

Nays—Messrs. Speaker, Aldridge, Baugh, Boatright, Brewer, Brown of Tuskaloosa, Bulger, Calfee, Cary, Clarke, Clayton, Chamberlain, Colbert, Dillard, Drummond, Echols, Flournoy, Griffin, Hale, Herndon, Hobbs, Holly, Houston, Huckabee, Irby, Jackson, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Mabry, Majors, Martin of Dale, McRae, Murphree of Pike, Murphy of Henry, Neal, Nelson, Parker, Powell, Scarborough, Sheffield, Simpson, Smith of Lauderdale, Thompson, Walden, Wood and Wright—48.

On motion of Mr. Echols, the constitutional rule was suspended.

The joint resolutions were then read the second time.

Mr. Smith, of Lauderdale, moved to amend as follows:

*Provided*, He shall under no circumstances increase the liabilities or indebtedness of the State.

Mr. Jones moved to lay the amendment on the table.

Lost.

Yeas 26, nays 53.

Yeas—Messrs. Speaker, Aldridge, Baskins, Boatright, Brewer, Clayton, Chamberlain, Dillard, Drummonds, Echols, Edwards, Hale, Herndon, Hobbs, Houston, Huckabee, Irby, Jackson, Johnson of Perry, Jones, Mabry, Neal, Nelson, Powell, Register and Wood—26.

Nays—Messrs. Allen, Baugh, Bell of Talladega, Bennett, Brock, Brown of Marion, Brown of Tuskaloosa, Bulger, Calfee, Caldwell, Clarke, Cloud, Colbert, Denman, Espy, Eustace, Flournoy, Goode, Griffin, Hammonds, Harris, Holly, Jeter, Johnson of Tallapoosa, Kennedy, Lesueur, Little, Majors, Martin of Dale, Martin of Talladega, McCall, McGhee, McRae, Morgan, Murphree of Pike, Murphy of Henry, Pynes, Pennington, Reid, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Sheffield, Simpson, Slade, Smith of Jefferson, Smith of

Lauderdale, Smith of Randolph, Walden, Williamson and Wright—53.

The question was then upon the adoption of the amendment. And the same was adopted.

Yeas 55, nays 23.

Yeas—Messrs. Baugh, Bell of Talladega, Bennett, Brock, Brown of Marion, Bulger, Calfee, Caldwell, Clayton, Colbert, Cullum, Edwards, Esny, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Harris, Holly, Houston, Jeter, Johnson of Perry, Kennedy, Lesueur, Little, Majors, Martin of Dale, Martin of Talladega, McGhee, McKee, Morgan, Murphree of Pike, Murphy of Henry, Neal, Parker, Pennington, Powell, Pynes, Register, Reid, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Sheffield, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Walden, Williamson and Wright—55.

Nays—Messrs. Speaker, Aldridge, Boatright, Brewer, Brown of Tuskalooza, Clarke, Denman, Drummond, Echols, Herndon, Hobbs, Huckabee, Irby, Jackson, Johnson of Tallapoosa, Jones, Mabry, McCall, Nelson, Reedus, Talley, Thompson and Wood—23.

Mr. Brown, of Marion, moved to adjourn.

Lost.

Yeas 36, nays 42.

Yeas—Messrs. Aldridge, Allen, Baugh, Bell of Talladega, Bennett, Boatright, Brock, Brown of Marion, Brown of Tuskalooza, Bulger, Calfee, Colbert, Cullum, Esny, Eustace, Goode, Hammonds, Jeter, Kennedy, Lesueur, Little, Majors, McCall, McGhee, Nelson, Pennington, Pynes, Register, Reid, Richardson of Cherokee, Scarborough, Sheffield, Slade, Smith of Randolph, Staton and Williamson—36.

Nays—Messrs. Speaker, Brewer, Caldwell, Cary, Clarke, Clayton, Denman, Dillard, Drummond, Echols, Edwards, Flournoy, Griffin, Hale, Harris, Hobbs, Holly, Houston, Huckabee, Irby, Jackson, Johnston of Perry, Johnson of Tallapoosa, Jones, Mabry, Martin of Dale, McKee, Morgan, Murphree of Pike, Murphy of Henry, Neal, Parker, Powell, Richardson of Monroe, Scott, Simpson, Smith of Jefferson, Smith of Lauderdale, Thompson, Walden, Wood and Wright—42.

Mr. Harris moved the same amendment offered by himself, to the bill "to authorize the State to issue bonds, and for other purposes," to the joint resolutions under consideration, except to strike out where it occurs in his amendment, "be it enacted" and insert "be it resolved."

Mr. Powell moved the previous question; which was sustained.

Mr. Echols moved to suspend the constitutional rule, to give the bill a third reading forthwith.

Yeas 48, nays 32.

Lost.

Yeas—Messrs. Speaker, Aldridge, Bennett, Boatright, Brewer, Brock, Browder, Calfee, Cary, Chamberlain, Clayton, Cloud, Colbert, Dillard, Drummond, Echols, Edwards, Flournoy, Griffin, Hale, Hobbs, Holly, Houston, Huckabee, Irby, Jackson, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Mabry, Martin of Dale, McRae, Murphy of Henry, Neal, Nelson Parker, Powell, Reedus, Scarborough, Sheffield, Simpson, Smith of Lauderdale, Staton, Talley, Thompson, Walden, Wood and Wright—48.

Nays—Messrs. Baugh, Bell of Talladega, Brown of Marion, Brown of Tuskalooza, Bulger, Caldwell, Clarke, Cullum, Espy, Goode, Hammonds, Harris, Kennedy, Lesueur, Little, Majors, Martin of Talladega, McCall, McGhee, Morgan, Murphree of Pike, Pennington, Pynes, Register, Reid, Richardson of Cherokee, Richardson of Monroe, Scott, Slade, Smith of Jefferson, Smith of Randolph and Williamson—32.

The bill was then ordered to a third reading, and made the special order for to-morrow, at the hour of 11 o'clock.

When, on motion, the House adjourned until half after 9 o'clock, to-morrow.

WEDNESDAY, December 9th, 1857.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

The journal was read and approved.

The Speaker laid before the House sundry records of divorce; which were referred to committee on Divorce and Alimony.

Mr. Hale moved to suspend the call of counties, to allow him to introduce the following resolution:

*Resolved*, That Frederick LaForge be authorized to act as messenger of the House until further ordered, and that he receive such compensation therefor as the House may hereafter allow him.

The call was suspended, and the resolution adopted.

#### CALL OF COUNTIES.

And bills were introduced by:

Mr. Clayton: to incorporate Hurricane Academy, in Barbour county;

Also, declaring Gregory Anderson and L. L. Daniel citizens of Barbour county :

Also, to amend an act to make more efficient the system of free public schools in the State of Alabama, approved the 14th of February, 1836 ;

Mr. McRae: to repeal an act entitled an act to compensate tales jurors in certain cases ;

Mr. Mabry: to secure to mechanics and builders a lien on work done and materials furnished, with a petition ;

Mr. Irby: for the relief of James Shepperd Diggs, of Dallas county ;

Mr. Huckabee: to amend the law relative to the unlawful detainer of lands ;

Mr. Hale: to change the time of holding some of the Fall terms of the chancery courts of the middle chancery division.

The hour of 10 o'clock having arrived, for which hour there was a special order,

On motion of Mr. Echols, was suspended, to proceed with the call of the counties.

Mr. Echols: to regulate the fees of the judge of probate of the county of Macon ;

Mr. Little: to declare Nancy Ann Price a free dealer ;

Mr. Flournoy: to repeal section 2 of an act approved February 1st, 1854, in reference to the pay of tales jurors in Macon county ;

Mr. Jones: to amend the law as to pilotage ;

Mr. Drummond: to incorporate the Mobile and Nicaraugan Steamship company ;

Mr. Chamberlain: to alter and amend sections 901 and 902 of the Code of Alabama in reference to the regulations for the port and harbor of Mobile ;

Mr. Chamberlain: to incorporate the State Mutual Insurance company ;

Mr. Molton: regulating the duties of sheriffs of the State of Alabama ;

Mr. Johnston, of Perry: to invest and dispose of the two per cent. fund ;

Also, to increase the pay of coroners, by amending section 3994 of the Code ;

Mr. Murphree, of Pike: to increase the compensation of the commissioners' court for the county of Pike ;

Mr. Bell, of Talladega: to incorporate the Lincoln Male and Female Academy in Talladega county, with a petition ;

Mr. Brown, of Tuscaloosa: to regulate the fees of witnesses in criminal cases before justices of the peace ;

Also, to release the tax on official sales of judges of probate :  
 Mr. Powell : to amend section 1953 of the Code of Alabama ;  
 Mr. Bulger : to provide for the election of a public printer ;  
 Also, to repeal an act therein named.

Which bills were severally read, and ordered to a second reading.

Mr. Edwards : to change the times of holding the circuit courts of Blount, Walker, Marion and Fayette counties ; which was read, and under a suspension of the constitutional rule, was read the second time, and referred to a select committee of one from each county of the 7th judicial circuit.

Mr. Powell : to authorize Dennis Springer and his associates to erect a turnpike road across the Lipsy River swamp, at a point therein named.

Said bill was read the second time and referred to the committee on Corporations.

Mr. Warren : to establish a new precinct in the county of Coffee, with a petition.

Said bill was read, and the constitutional rule being suspended, the same was read the second time, and referred to the committee on Privileges and Elections.

Mr. Parker presented the petition of Charles P. Finley, Williamson F. Parmer, and others.

Mr. Goode presented the petition of J. N. Chapman, and others.

Also, the petition of Jno. R. Bumpass, and others ;

Mr. Calfee presented the petition of William Connaway ;

Mr. Griffin presented the petition of O. B. Cooper, and others ; which were severally referred to the committee on Propositions and Grievances.

Mr. Echols presented the account of David Powell ; which was referred to the committee on Accounts and Claims.

Mr. Jones presented the petition of sundry citizens of Mobile, in relation to the repeal of various sections of the Code ; which was referred to the Judiciary committee.

Mr. Huckaboe moved an additional rule of the House :

*Resolved*, That hereafter the rule requiring the call of the counties for bills and petitions, every morning, shall be so modified as to require such call to be made on each Monday and Thursday ; which lays over one day, under the rule of the House.

The House then proceeded to the consideration of the special order, it being the joint resolutions "more effectually to provide for the payment of State bonds due in London in January next."

Mr. Powell moved to amend by way of engrossed ryder, as follows :

*Be it further resolved,* That the commissioner and trustee be instructed, and is hereby required, if necessary to meet the payment of the bonds of the State, due in London on the first of January next, to sell the North Carolina and Virginia bonds in his hands at best price that can be obtained therefor; which, on motion, was laid on the table.

Yeas 92, nays 1.

Yeas—Messrs. Speaker, Allen, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Brock, Browder, Brown of Tuscaloosa, Bulger, Calfee, Cary, Clarke, Clayton, Cloud, Coleman, Cullum, Denman, Dillard, Drummond, Echols, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Hobbs, Holly, Houston, Huckabee, Irby, Jackson, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Lesueur, Little, Mabry, Majors, Martin of Dale, McCall, McGhee, McRae, Molton, Morgan, Murphy of Henry, Murphree of Pike, Nabors, Neal, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Register, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Sheffield, Simpson, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Tait, Thompson, Walden, Warren, Weaver, Williamson, Wood and Wright—92.

Nays—Mr. Brown of Marion.

Mr. Wood moved to amend by way of engrossed ryder, as follows:

*Be it further resolved,* That the Governor, comptroller and treasurer of the State of Alabama be, and they are hereby instructed forthwith to execute in proper form the bonds of the State of Alabama, for the gross sum of three hundred and eighty thousand dollars, which said bonds shall be delivered to the commissioner and trustee of the State Bank and Branches, to be used in his discretion for the purpose of securing the payment of the State bonds falling due in London, on the first of January, 1858; *Provided,* That said bonds shall not have more than six months to run before maturity, and shall not bear a higher rate of interest than six per cent., and shall not be disposed of for less than par of the value thereof.

Mr. Smith, of Lauderdale, called the previous question, and the question being, shall the main question be now put, and the same was lost.

Yeas 38, nays 53.

Yeas—Messrs. Aldridge, Allen, Bell of Franklin, Brock, Brown of Marion, Brown of Tuscaloosa, Cary, Clarke, Clayton, Colbert, Coleman, Cullum, Dillard, Echols, Edwards, Flournoy,

Goode, Griffin, Hammonds, Holly, Jackson, Jeter, Kennedy, Lesueur, Little, McRae, Pennington, Pynes, Remson, Richardson of Cherokee, Sheffield, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Thompson and Warren—38.

Nays—Messrs. Speaker, Baskins, Baugh, Bell of Talladega, Boatright, Bradley, Brewer, Browder, Bulger, Calfee, Caldwell, Chamberlain, Cloud, Denman, Drummond, Espy, Eustace, Hale, Harris, Herndon, Hobbs, Houston, Huckabee, Irby, Johnston of Perry, Johnston of Tallapoosa, Jones, Mabry, Majors, Martin of Dale, McGhee, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Parker, Powell, Reedus, Register, Reid, Richardson of Monroe, Scarborough, Scott, Simpson, Talley, Tait, Walden, Weaver, Williamson, Wood and Wright—53.

Mr. Williamson moved to reconsider the vote on yesterday, by which the House ordered the joint resolutions to a third reading.

Yeas 22, nays 68.

Yeas—Messrs. Baskins, Cary, Hammonds, Harris, Herndon, Huckabee, Johnston of Perry, Little, Mabry, McCall, McGhee, Murphree of Pike, Parker, Pennington, Register, Reid, Richardson of Monroe, Scarborough, Scott, Smith of Jefferson, Williamson and Wright—22.

Nays—Messrs. Speaker, Aldridge, Allen, Baugh, Bell of Franklin, Bell of Talladega, Bennet, Bradley, Brewer, Brock, Brown of Marion, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Chamberlain, Clarke, Clayton, Cloud, Colbert, Coleman, Cullum, Denman, Dillard, Drummond, Echols, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Hale, Hobbs, Holly, Houston, Irby, Jackson, Johnson of Tallapoosa, Jones, Kennedy, Lesueur, Majors, Martin of Dale, McRae, Molton, Morgan, Murphy of Henry, Nabors, Neal, Nelson, Powell, Pynes, Reedus, Remson, Richardson of Cherokee, Sheffield, Simpson, Slade, Smith of Lauderdale, Smith of Randolph, Staton, Talley, Tait, Thompson, Walden, Warren and Wood—68.

Mr. Smith, of Lauderdale, moved to lay the engrossed ryder of Mr. Wood on the table.

The hour of 11 o'clock having arrived, for which there was a special order,

Mr. Smith, of Lauderdale, moved to suspend that special order for the purpose of proceeding with the consideration of the special order now under consideration.

Said motion prevailed, and the question then was upon laying

the engrossed ryder of Mr. Wood on the table, and the yeas and nays were called.

Motion prevailed.

Yeas 55, nays 31.

Yeas—Messrs. Aldridge, Allen, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Brock, Brown of Marion, Brown of Tus-kaloosa, Calfee, Caldwell, Clarke, Clayton, Colbert, Cullum, Dillard, Echols, Edwards, Eustace, Flournoy, Goode, Griffin, Holly, Jackson, Jeter, Johnson of Tallapoosa, Kennedy, Lesueur, Little, Majors, Martin of Dale, McCall, McRae, Morgan, Mur-phy of Henry, Nabors, Neal, Parker, Pennington, Pynes, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scott, Sheffield, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Tait, Thompson and Wood—55.

Nays—Messrs. Speaker, Baskins, Boatright, Bradley, Brewer, Browder, Bulger, Cary, Denman, Drummond, Espy, Hale, Ham-monds, Harris, Herndon, Hobbs, Houston, Huckabee, Irby, Jones, Mabry, Molton, Murphree of Pike, Nelson, Powell, Reg-ister, Scarborough, Simpson, Walden, Warren and Wright—31.

The joint resolutions were then read three times, and passed, and ordered to be sent forthwith to the Senate.

Message from the Senate, by Mr. Cain :

Mr. Speaker : The Senate has originated and passed a bill for the relief of Joshua Lyon, tax collector of Sumter county ; also,

Passed the House bill, extending the time for the payment of taxes in the state treasury, &c., amended by the Senate.

Mr. Griffin moved to suspend all business before the House to take up the Senate resolution, proposing to adjourn *sine die* on the 22d of December.

Said motion prevailed.

Yeas 63, nays 25.

Yeas—Messrs. Aldridge, Allen, Bell of Franklin, Bell of Tal-ladega, Bennett, Brock, Browder, Brown of Marion, Bulger, Calfee, Clayton, Colbert, Coleman, Denman, Dillard, Echols, Edwards, Espy, Eustace, Flournoy, Griffin, Harris, Hobbs, Hol-ly, Houston, Jackson Jeter, Johnston of Perry, Johnson of Tal-lapoosa, Kennedy, Lesueur, Little, Majors, Martin of Dale, Mc-Ghee, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Pennington, Pynes, Reedus, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scar-borough, Sheffield, Simpson, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Talley, Tait, Thomp-son and Wood—63.

Nays—Messrs. Speaker, Baskins, Baugh, Bradley, Brewer, Brown of Tus-kaloosa, Caldwell, Cary, Chamberlain, Clarke, Drum-



mond, Goode, Hale, Hammonds, Herndon, Huckabee, Irby, Jones, Mabry, Nelson, Powell, Register, Walden, Warren, Williamson and Wright—25.

Mr. Remson moved to amend the resolution as follows :

*Provided*, Both House get through the business now before them.

Mr Morgan offered the following as a substitute, viz:

*Resolved*, That (the Senate concurring) the two Houses will adjourn on Saturday, the 19th day of December instant, to meet again on the 8th day of January, 1858, at 10 o'clock, A. M., and all references, bills, orders, special orders, and all business generally of the two Houses, or either of them, unfinished on Saturday, the 19th day of December shall remain in effect to be taken up, on and after that day in their regular order.

*Resolved further*, That no member shall receive mileage or *per diem* during said recess or adjournment.

Mr. Warren moved to lay the whole subject on the table.

Mr. Hale moved to postpone the further consideration until the 15th day of December instant, and

The yeas and nays were called.

Lost.

Yeas 39, nays 51.

Yeas—Messrs. Speaker, Adams, Aldridge, Baskins, Baugh, Bennett, Bradley, Brewer, Brown of Marion, Brown of Tuskalooosa, Bulger, Calfee, Caldwell, Cary, Chamberlain, Clayton, Coleman, Cullum, Drummond, Goode, Hale, Hammonds, Hobbs, Irby, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Mabry, McCall, Nelson, Pennington, Powell, Register, Richardson of Cherokee, Simpson, Walden, Warren and Williamson—39.

Nays—Messrs. Allen, Bell of Franklin, Bell of Talladega, Boatright, Brock, Browder, Clarke, Cloud, Colbert, Denman, Dillard, Echols, Edwards, Espy, Eustace, Flournoy, Griffin, Harris, Herndon, Holly, Houston, Huckabee, Jackson, Jeter, Lesueur, Little, Martin of Dale, McRae, Morgan, Murphy of Henry, Nabors, Neal, Parker, Pynes, Reedus, Reid, Remson, Richardson of Monroe, Scarborough, Scott, Sheffield, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Talley, Thompson, Wood and Wright—51.

The question then recurred on the motion of Mr. Warren, to lay on the table, and,

The yeas and nays were called.

Lost.

Yeas 14, nays 69.

Yeas—Messrs. Speaker, Adams, Aldridge, Baskins, Brown of

Marion, Brown of Tuskalooza, Calfee, Chamberlain, Drummond, Goode, Herndon, Mabry, Powell and Warren—14.

Nays—Messrs. Allen, Baugh, Bell of Franklin, Bell of Talladega, Bradley, Brewer, Brock, Browder, Bulger, Caldwell, Cary, Clarke, Clayton, Cloud, Colbert, Coleman, Cullum, Denman, Dillard, Echols, Edwards, Espy, Eustace, Griffin, Hammonds, Harris, Hobbs, Holly, Houston, Huckabee, Irby, Jackson, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Lesueur, Little, Majors, Martin of Dale, McCall, McRae, Molton, Morgan, Murphy of Henry, Nabors, Neal, Nelson, Parker, Pynes, Reedus, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Sheffield, Simpson, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Tait, Walden, Wood and Wright—69.

The hour of 12 o'clock having arrived,

Mr. Griffin moved to suspend the general orders of the House, for the purpose of considering the resolution before the House.

Mr. Goode moved to lay the motion on the table.

Lost.

The general orders were then suspended.

Mr. Powell moved to strike out the second resolution in the substitute.

Mr. Goode moved to postpone the further consideration of the subject until the 19th day of December instant.

And the doorkeeper announced a message from the Senate, by Mr. Cain.

Mr. Speaker: The Senate concurred in the resolution of the House of Representatives, proposing to appoint a special committee to consider the expediency of re-organizing the Judicial circuits of this State, and have appointed Messrs. Crawford, Bullock, Burnett, Storrs, McSpadden, Agee, Jones of Fayette, and Rowe, a committee on the part of the Senate.

The Senate refuses unanimously to concur in the amendment of the House to the joint resolutions, more effectually to provide for the payment of State bonds due in Loudon in January next.

Mr. Powell moved to take up the Senate message just received.

Carried.

Yeas 55, nays 35.

Yeas—Messrs. Speaker, Adams, Allen, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brewer, Brock, Brown of Tuskalooza, Calfee, Caldwell, Cary, Chamberlain, Clarke, Clayton, Cloud, Coleman, Cullum, Dillard, Drummond, Hale, Hammonds, Harris, Herndon, Hobbs, Hous-

ton, Huckabee, Irby, Jackson, Johnston of Perry, Jones, Kennedy, Lesueur, Mabry, McRae, Morgan, Murphree of Pike, Nabors, Neal, Nelson, Powell, Reedus, Register, Remson, Scott, Smith of Jefferson, Tait, Walden, Warren, Williamson, Wood and Wright—55.

Nays—Messrs. Aldridge, Brown of Marion, Bulger, Colbert, Denman, Echols, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Holly, Jeter, Johnson of Tallapoosa, Majors, Martin of Dale, McCall, Molton, Murphy of Henry, Parker, Pennington, Pynes, Reid, Richardson of Cherokee, Richardson of Monroe, Scarborough, Sheffield, Simpson, Slade, Smith of Lauderdale, Smith of Randolph, Staton, Talley and Thompson—35.

Mr. Smith, of Lauderdale, moved that the House adhere to its amendment.

Mr. Goode moved to adjourn.

Lost.

The question then recurred upon the motion of Mr. Smith, of Lauderdale.

Lost.

Yeas 25, nays 59.

Yeas—Messrs. Brown of Marion, Clarke, Coleman, Cullum, Espy, Eustace, Flournoy, Goode, Griffin, Hammonds, Holly, Lesueur, Little, Majors, Martin of Dale, Nabors, Pennington, Register, Reid, Richardson of Cherokee, Smith of Lauderdale, Smith of Randolph, Tait, Warren and Wright—25.

Nays—Messrs. Speaker, Allen, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brewer, Brock, Browder, Brown of Tuskaloosa, Bulger, Calfee, Caldwell, Chamberlain, Clayton, Cloud, Colbert, Denman, Dillard, Drummond, Echols, Edwards, Hale, Harris, Herndon, Hobbs, Houston, Huckabee, Irby, Jackson, Jeter, Johnston of Perry, Jones, Kennedy, Mabry, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Neal, Nelson, Parker, Powell, Pynes, Reedus, Remson, Scott, Sheffield, Slade, Smith of Jefferson, Staton, Talley, Thompson, Walden, Williamson and Wood—59.

Mr. Wood moved to recede from the amendment of the House.

Carried.

Yeas 57, nays 22.

Yeas—Messrs. Speaker, Allen, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brewer, Brock, Browder, Brown of Tuskaloosa, Bulger, Calfee, Caldwell, Chamberlain, Clayton, Cloud, Denman, Dillard, Drummond, Echols, Edwards, Griffin, Hale, Harris, Herndon, Hobbs, Houston, Huckabee, Irby, Jackson, Jeter, Johnston of Perry, Jones, Kennedy,

Mabry, McRae, Molton, Morgan, Murphree of Pike, Neal, Nelson, Parker, Powell, Pynes, Reedus, Remson, Sheffield, Slade, Staton, Talley, Thompson, Walden, Williamson, Wood and Wright—57.

Nays—Messrs. Brown of Marion, Coleman, Cullum, Espy, Eustace, Goode, Hammonds, Holly, Lesueur, Little, Majors, Martin of Dale, Nabors, Pennington, Register, Reid, Richardson of Cherokee, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Tait and Warren—22.

And the joint resolutions were ordered to be sent forthwith to the Senate.

And, on motion, the House adjourned till half past 9 o'clock, to-morrow morning.

THURSDAY, December 10th, 1857.

House met pursuant to adjournment.

The journal of yesterday was read and approved.

The Speaker then announced the select committee from the 7th judicial circuit, to whom was referred the bill to change the time of holding the circuit courts of the counties of Blount, Walker, Marion and Fayette.

Messrs. Edwards, Reid, Brown of Marion, and Coleman, constitute said committee.

Mr. Houston moved to suspend the call of the counties, for the purpose of considering the Senate message on yesterday, in regard to the bill for the relief of Joshua Lyon, tax collector of Sumter county.

Lost.

Mr. Allen asked leave of the House for the committee on the Penitentiary to visit that institution on Monday and Tuesday next.

Granted.

#### CALL OF THE COUNTIES.

And bills were introduced by :

Mr. Dillard, at the request of the Speaker: to establish a Medical Board in Autauga county ;

Mr. Nelson: to authorize the county commissioners of Baldwin county to establish one or more election precincts in said county ;

Mr. Cullum: to incorporate the trustees of Pushmataha school in the county of Choctaw, with a petition :

Mr. Pennington: in relation to the estate of Wm. Walker, deceased ,

Mr. Goode: to incorporate the Clark county Masonic Institute, at Choctaw Corner;

Mr. Murphy, of Henry: to make Sarah E. Teague, of the county of Henry, a free dealer;

Mr. Williamson: relating to the official bonds of clerks of the circuit courts and probate judges;

Also, for the speedy punishment of slaves in certain cases, in the circuit court;

Mr. Griffin: for the relief of Lewis French, of Marshall county;

Mr. Herndon: to incorporate the Citronelle Female Academy of Mobile county;

Mr. Murphree, of Pike: declaring Wm. C. Menefee, a liner between the counties of Montgomery and Pike, a citizen of Pike county;

Mr. Morgan: to prevent camp hunting in the county of Shelby;

Mr. Powell: to limit the boundaries of incorporated towns.

Mr. Dillard presented a communication from a soldier of 1812; which was referred to the committee on Military Affairs.

Mr. Brewer presented the petition of Wm. Gray and others;

Mr. Little presented the petition of Geo. Hooker;

Which said petitions were referred to committee on Propositions and Grievances.

#### REPORTS FROM THE JUDICIARY COMMITTEE.

The House resumed the consideration of the unfinished report of the Judiciary committee to the bill defining the duty of sheriff and constables in the county of Cherokee, being an adverse one, and

The question being upon the motion of Mr. Coleman, to lay the report on the table. Lost.

The adverse report was then concurred in.

Yeas 48, nays 29.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Bell of Franklin, Bennett, Bradley, Brewer, Brock, Bulger, Csry, Chamberlain, Clarke, Colbert, Denman, Dillard, Drummond, Eustace, Flournoy, Hale, Herndon, Jackson, Johnston of Perry, Jones, Lesueur, Mabry, Mardis, McCall, McGhee, Molton, Morgan, Nabors, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Richardson of Cherokee, Richardson of Monroe, Scott, Slade, Smith of Lauderdale, Walden, Weaver, Williamson and Wood—48.

Nays—Messrs. Baugh, Bell of Talladega, Brown of Marion,

Clayton, Cloud, Coleman, Cullum, Echols, Edwards, Espy, Griffin, Hammonds, Harris, Holly, Huckabee, Kennedy, Majors, Martin of Dale, McKae, Murphy of Henry, Register, Reid, Remson, Sheffield, Smith of Randolph, Tait, Thompson, Warren and Wright—29.

Mr. Jones reported adversely to the several bills:

To define the term of office of judge of probate;

To amend the laws in relation to lunatics and persons *non compos mentis*;

And joint resolutions to take the sense of the people upon the abolition of the penitentiary.

Which adverse reports were severally concurred in.

Mr. Jones reported favorably to the bill to amend the laws as to executors and administrators; which was ordered to be engrossed.

Mr. Drummond, by leave of the House, reported a bill from the committee on Internal Improvements, to whom was referred the memorial of the president and directors of the Mobile and Ohio Railroad company, to extend the time for the payment of the balance of the principal of the debt due from the Mobile and Ohio Railroad company to the State of Alabama; which was read, and ordered to a second reading.

Message from the Senate, by Mr. Cain:

Mr. Speaker: The Senate has originated and passed the following bills:

To amend section 1058 of the Code of Alabama;

To require the several tax assessors and collectors to prepare and furnish assessment lists to the tax payers;

To accept of the grant and carry into execution the trust &c., granting public lands in alternate sections to the State of Alabama to aid in the construction of certain railroads in said State, approved 3d of June, 1856;

To accept lands and execute trusts conferred upon the State by an act granting public lands in alternate sections to Florida and Alabama to aid in the construction of certain railroads in said States, approved, 17th May, 1856;

To vest in the Tennessee and Alabama Central Railroad company certain lands, &c., granted by Congress in trust to the State of Alabama, to aid in the construction of the Tennessee and Alabama Central Railroad;

To authorize the Mobile Marine Railway Insurance company to consolidate its capital stock;

For the benefit of the estate of James Stapp, deceased, of Pickens county;

Also, have passed the following House bills:

To repeal an act approved February 5th, 1840, in relation to justices in Pike county;

To regulate appeals from probate courts;

For the relief of mechanics,

To prescribe the rights, duties and liabilities of general administrators when they resign their offices;

To amend the criminal law in relation to rape, incest and adultery, as amended by the Senate;

To amend section 2462 of the Code;

To elect the county surveyor of Talladega and Jackson counties by the people, amended by the Senate as to the county of Madison.

Mr. Jones, from the committee on the Judiciary, reported back to the House the bill to be entitled an act to prevent nuisances and illegal trafficking with slaves, with an amendment, and recommended its passage as amended, to-wit:

In the second section strike out the words "one hundred dollars" and insert "fifty dollars, nor more than two hundred dollars," and strike out the words "the punishment shall be imprisonment in the penitentiary not less than two years" and insert in lieu thereof the words "shall be fined not less than two hundred dollars nor more than one thousand dollars."

In the fourth section strike out the following words: "and in every such prosecution it shall be lawful for witnesses to give their opinion as to whether such house is a nuisance or not."

Mr. Bulger moved to amend said amendment as follows:

Insert after the words, "one thousand," "and be imprisoned in the common jail of the county not less than ten days nor more than six months, one or both in the discretion of the jury trying the offense."

Said amendment was adopted.

The question then recurred on the adoption of the amendment reported by the committee on the Judiciary, and the same was adopted.

Mr. Morgan moved to amend as follows:

*Provided*, The provisions of this bill shall apply only to the county of Montgomery.

Mr. Johnston, of Perry, moved to lay the amendment on the table.

Said motion prevailed.

Yeas 77, nays 2.

Yeas—Messrs. Speaker, Aldridge, Baugh, Bell of Talladega, Bennett, Boatright, Bradley, Brew r, Browder, Brown of Marion, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Cary, Clarke, Chamberlain, Clayton, Cullum, Denman, Dillard, Drum-

mond, Echols, Espy, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Hobbs, Houston, Huckabee, Jackson, Jeter, Johnston of Perry, Jones, Kennedy, Lesueur, Mabry, Majors, Mardis, Martin of Dale, McCall, McGhee, McRae, Molton, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Parker, Pynes, Reedus, Register, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Sheffield, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Talley, Tait, Thompson, Walden, Warren, Weaver, Williamson and Wood—77.

Nays—Messrs. Morgan and Wright—2.

Mr. Remson moved to amend as follows :

*Provided further*, The person so convicted the second time for the same offence, shall not have license granted to him or her again in the same county.

Said amendment was adopted, and the bill as amended, was ordered to be engrossed.

Mr. Jones, from the committee on the Judiciary, reported back to the House the bill to be entitled an act to extend the lien of attorneys and solicitors, amended by striking out the second section, and recommended its passage as amended.

Mr. Drummond moved to postpone the further consideration of said bill and amendments, till 11 o'clock to-morrow, and to make it the special order for that hour; and the motion prevailed.

Mr. Jones, from the committee on the Judiciary, to whom was referred the bill to be entitled an act to repeal sections 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127 and 2128 of the Code, reported adversely thereto.

The hour of 11 o'clock having arrived, for which hour there was a special order,

Mr. Irby moved to suspend that special order for the purpose of taking from the table the bill to amend the charter of the town of Cahaba.

The motion prevailed, and said bill was read the third time, and passed.

The House then resumed the consideration of the special order, when the hour of 12 o'clock, M., having arrived,

Mr. Powell moved to suspend the general orders for the purpose of proceeding with the consideration of the special order now before the House.

The motion prevailed; and,

The hour of 1½ having arrived, and Mr. Jones entitled to the floor, the House adjourned.



## AFTERNOON SESSION.

House met pursuant to adjournment.

Leave of absence was granted to Mr. Irby.

On motion of Mr. Powell, the regular orders were suspended, to dispose of the bill more effectually to prevent banks of other States from carrying on the business of banking in this State; when,

Mr. Jones resumed the floor and finished his remarks. The discussion was continued by Messrs. Echols, Drummond and Williamson, when 5 o'clock arrived, the time set by the House to adjourn.

On motion of Mr. Smith, of Lauderdale, the rule requiring this House to adjourn at 5 o'clock, P. M., was suspended, and after a further discussion, Mr. Williamson entitled to the floor, on motion the House adjourned until 9½ o'clock, on to-morrow morning.

FRIDAY, December 11th, 1857.

House met pursuant to adjournment.

Prayer by Rev. Mr. Shaver.

Journal of yesterday was read and approved.

The Speaker laid before the House a record of divorce; which was referred to the committee on Divorce and Alimony.

## CALL OF COUNTIES.

Bills were introduced by :

Mr. Cary: to accept a grant of lands to the State of Alabama, and to carry into execution the trust conferred upon the State of Alabama by an act of Congress, entitled an act making a grant of land to the territory of Minnesota in alternate sections, to aid in the construction of certain railroads in said territory, and granting public lands in alternate sections to the State of Alabama to aid in the construction of a certain railroad in said State, approved March 3d, 1857;

Mr. Williamson: providing by whom cost is to be paid in certain cases;

Mr. Lesueur: to amend the law in relation to the summoning of witnesses to the circuit court of Marengo county;

Mr. Chamberlain: to amend section 712 of the Code of Alabama;

Mr. Herndon: to incorporate the Citronelle and McIntosh's Bluff Plank Road company; which bills were severally read the first time, and ordered to a second reading.

Mr. Dillard presented the account of W. B. & A. R. Bell; which was referred to the committee on Accounts and Claims.

Mr. Johnston, of Perry, presented the petition of sundry citizens in Hamburg beat, in Perry county; which was referred to the committee on Propositions and Grievances.

Mr. Harris moved to suspend the call for reports to allow him to take from the general orders a bill for the relief of the estate of Albert Russell, deceased; which motion prevailed, and the bill was read the second time, when under a suspension of the constitutional rule, the bill was read the third time, and passed, and ordered forthwith to the Senate.

#### REPORTS FROM THE JUDICIARY COMMITTEE.

House resumed the consideration of the unfinished report from the Judiciary committee, adversely to the bill to repeal sections 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127 and 2128 of the Code.

The question being upon a concurrence in the report, and the House concurred in the same.

Mr. Wright reported adversely to the bill to repeal section 3048 of the Code of Alabama.

The question being upon concurring in the report.

Yeas 33, nays 50.

Lost.

Yeas—Messrs. Adams, Baskins, Boatright, Bradley, Brewer, Browder, Brown of Tuscaloosa, Chamberlain, Clarke, Denman, Drummond, Goode, Hale, Harris, Herndon, Huckabee, Johnston of Perry, Jones, Lesueur, Mardis, McCall, Molton, Morgan, Nabors, Pennington, Powell, Remson, Scott, Smith of Lauderdale, Smith of Randolph, Weaver, Wood and Wright—33.

Nays—Messrs. Speaker, Allen, Baugh, Bennett, Brock, Brown of Marion, Bulger, Calfee, Cloud, Colbert, Dillard, Echols, Edwards, Espy, Eustace, Flournoy, Griffin, Hammonds, Holly, Houston, Jackson, Jeter, Kennedy, Little, Majors, Martin of Dale, McGhee, McRae, Murphree of Pike, Murphy of Henry, Neal, Nelson, Parker, Pynes, Reedus, Register, Reid, Richardson of Cherokee, Richardson of Monroe, Scarborough, Sheffield, Simpson, Slade, Smith of Jefferson, Staton, Talley, Tait, Thompson, Walden and Warren—50.

Mr. Morgan moved to lay the bill on the table.

Lost.

Yeas 27, nays 59.

Yeas—Messrs. Adams, Bell of Franklin, Brewer, Browder, Brown of Tuscaloosa, Clarke, Clayton, Denman, Drummond

Goode, Hale, Harris, Herndon, Hobbs, Huckabee, Johnston of Perry, Jones, Mardis, Molton, Morgan, Nabors, Powell, Scott, Smith of Lauderdale, Smith of Randolph, Walden and Wood—27.

Nays—Messrs. Speaker, Aldridge, Allen, Baskins, Baugh, Bell of Talladega, Bennett, Boatright Bradley, Brock, Brown of Marion, Bulger, Calfee, Cary, Colbert, Coleman, Cullum, Dillard, Echols, Edwards, Espy, Eustace, Flournoy, Griffin, Hammonds, Holly, Houston, Jackson, Jeter, Kennedy, Lesueur, Little, Majors, Martin of Dale, McCall, McGhee, Murphree of Pike, Murphy of Henry, Neal, Nelson, Parker, Pennington, Pynes, Register, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Sheffield, Simpson, Slade, Staton, Tait, Thompson, Warren, Weaver, Williamson and Wright—59.

Mr. Adams moved to postpone the consideration of the bill until Monday next, and make it the special order for 11 o'clock. Pending which motion, the hour of 11 o'clock arrived, and the House proceeded to the consideration of the special order :

The bill more effectually to prevent foreign banks from carrying on the business of banking in this State—question being upon the indefinite postponement of the bill.

Message from the Senate by Mr Cain :

Mr. Speaker: The Senate has originated and passed the following bill :

To destroy the bills of the State Bank and Branches.

The hour of 12 o'clock, M. having arrived, the House suspended the general orders to proceed with the special order.

And the question being upon the indefinite postponement of the bill.

Yeas 45, nays 45.

Yeas—Messrs: Aldridge, Allen, Baugh, Bell of Talladega, Bennett, Boatright, Browder, Brown of Marion, Bulger, Clayton, Cloud, Colbert, Dillard, Echols, Edwards, Espy, Flournoy, Griffin, Hammonds, Holly, Jeter, Little, Majors, Mardis, Martin of Dale, McCall, McGhee, McRae, Moulton, Morgan, Murphree of Pike, Murphy of Henry, Powell, Pynes, Register, Remson, Richardson of Cherokee, Scarborough, Sheffield, Simpson, Staton, Talley, Thompson, Williamson and Wright—45.

Nays—Messrs. Speaker, Adams, Bell of Franklin, Bradley, Brewer, Brock, Brown of Tuscaloosa, Calfee, Chamberlain, Coleman, Cullum, Denman, Drummond, Eustace, Goode, Hale, Harris, Herndon, Hobbs, Houston, Huckabee, Jackson, Johnston of Perry, Jones, Kennedy, Lesueur, Mabry, Nabors, Neal, Nelson, Parker, Pennington, Reedus, Reid, Richardson of Monroe, Scott,

Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Walden, Warren, Weaver and Wood—45.

Mr. Smith, of Lauderdale, moved to reconsider the vote by which the House refused to postpone the bill under consideration indefinitely.

Carried.

The question then recurred upon the indefinite postponement of the bill.

Yeas 47, nays 44.

Yeas—Messrs. Adams, Aldridge, Allen, Baugh, Bell of Talladega, Bennett, Boatright, Browder, Brown of Marion, Bulger, Caldwell, Clayton, Cloud, Colbert, Dillard, Echols, Edwards, Es-  
py, Flournoy, Griffin, Hammonds, Holly, Jeter, Little, Majors, Mardis, Martin of Dale, McCall, McGhee, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Powell, Pynes, Register, Remson, Richardson of Cherokee, Scarborough, Sheffield, Simpson, Staton, Talley, Thompson, Williamson and Wood—47.

Nays—Messrs. Speaker, Bell of Franklin, Bradley, Brewer, Brock, Brown of Tuskalooza, Calfee, Cary, Coleman, Cullum, Denman, Drummond, Eustace, Goode, Hale, Harris, Herndon, Hobbs, Houston, Huckabee, Jackson, Johnston of Perry, Jones, Reid, Richardson of Monroe, Scott, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Tait, Walden, Warren, Weaver and Wood—44.

And the bill was indefinitely postponed.

Leave of absence was then granted to Messrs. Drummond, Cary, and Johnston, of Tallapoosa.

Mr. Staton moved to suspend the general orders to make a report from the committee on Accounts and Claims.

Lost.

House proceeded to consider the general orders.

Engrossed bill:

For the benefit of L. P. Butler, of Montgomery county, was read the third time and passed.

Engrossed bill:

To prohibit the issue or circulation of bank notes under five dollars in this State, was read the third time, and passed.

Yeas 56, nays 26.

Yeas—Messrs. Speaker, Adams, Aldridge, Baugh, Bell of Franklin, Bell of Talladega, Bradley, Brewer, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Chamberlain, Cullum, Denman, Dillard, Echols, Eustace, Goode, Griffin, Hale, Harris, Herndon, Hobbs, Houston, Huckabee, Jackson, Jeter, Johnston of Perry, Jones, Lesueur, Mabry, Martin of Dale, Murphy of Henry, Nabors, Neal, Nelson, Parker, Pennington, Pynes, Reedus, Reid.

Remson, Richardson of Monroe, Scott, Sheffield, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Tait, Walden, Warren, Weaver, Williamson and Wood—57.

Nays—Messrs. Allen, Bennett, Brock, Brown of Marion, Clarke, Clayton, Cloud, Colbert, Coleman, Edwards, Espy, Flournoy, Holly, Kennedy, Little, Majors, Mardis, McCall, McGhee, McRae, Molton, Morgan, Powell, Richardson of Cherokee, Simpson, Staton and Wright—26.

Mr. Harris moved to reconsider the vote by which the House just passed the bill, and to lay that motion on the table.

Carried.

The engrossed bill:

Amendatory of the proceedings in chancery, was read the third time, and passed.

The hour of half past one having arrived, the House stood adjourned until half past three o'clock, P. M.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

The following reasons were spread upon the journal:

We, the undersigned, voted against indefinite postponement of the bill to be entitled an act more effectually to prevent banks of other States from carrying on the business of banking in this State, not because we were in favor of the provisions of the bill as it then stood, but because we desired to give an opportunity to the friends of the bill to amend it, in such way as to protect the citizens in their individual rights, and relieve them from a spurious currency, which they ask the privilege of doing.—Amendments which could not be made under the parliamentary rules, pending the motion indefinitely postpone, we would most unhesitatingly have voted against the bill on its passage, unless materially amended.

NEWBERN H. BROWN.

C. M. JACKSON,

H. D. SMITH,

O. S. SMITH,

GEO. E. BREWER.

On motion of Mr. Flournoy, the House suspended the general orders to take from the message of the Senate, the bill extending the time for payment of taxes into the State treasury, amended by the Senate.

House concurred in the Senate amendment.

Mr. Brewer moved to suspend general orders, to take up resolution in regard to adjourning.

Carried.

Mr. Goode moved to postpone until the 19th day of December.

Lost.

The question then was upon the amendment of Mr. Powell.

Yeas 46, nays 40.

Yeas—Messrs. Baskins, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Brewer, Brock, Browder, Brown of Marion, Bulger, Calfee, Caldwell, Cary, Clarke, Coleman, Cullum, Goode, Hammonds, Harris, Herndon, Jones, Kennedy, Lesueur, Little, Mardis, Martin of Dale, McGhee, McKrae, Murphree of Pike, Nabors, Neal, Nelson, Pennington, Powell, Pynes, Reedus, Register, Remson, Richardson of Cherokee, Scott, Slade, Smith of Lauderdale, Walden, Warren, Williamson and Wood—46.

Nays—Messrs. Speaker, Adams, Aldridge, Allen, Bradley, Clayton, Cloud, Colbert, Denman, Dillard, Echols, Edwards, Espy, Eustace, Flournoy, Griffin, Hale, Hobbs, Holly, Houston, Jackson, Jeter, Johnson of Perry, Mabry, Majors, McCall, Molton, Morgan, Murphy of Henry, Parker, Reid, Sheffield, Simpson, Smith of Jefferson, Smith of Randolph, Staton, Talley, Tait, Thompson and Weaver—40.

Mr. Warren moved to strike out 8th when it occurs, and insert 1st.

Mr. Smith, of Lauderdale, moved to lay the amendment on the table.

Carried.

Mr. Baugh moved to refer the whole subject to a select committee of one from each judicial circuit.

Lost.

Mr. Bell, of Franklin, called previous question.

Lost.

Yeas 32, nays 55.

Yeas—Messrs. Aldridge, Allen, Bell of Franklin, Bennett, Bradley, Cloud, Colbert, Deaman, Dillard, Edwards, Espy, Eustace, Flournoy, Griffin, Holly, Houston, Jeter, Mabry, Majors, Nabors, Neal, Parker, Pynes, Reedus, Reid, Sheffield, Smith of Jefferson, Smith of Randolph, Staton, Talley, Tait and Weaver—32.

Nays—Messrs. Speaker, Adams, Baskins, Baugh, Bell of Talladega, Boatright, Brewer, Brock, Browder, Brown of Marion, Brown of Tuscaloosa, Bulger, Calfee, Caldwell, Chamberlain, Clarke, Clayton, Coleman, Cullum, Echols, Goode, Hale, Harris, Herndon, Hobbs, Jackson, Johnston of Perry, Jones, Kennedy,

Lesueur, Little, Mardis, Martin of Dale, McCall, McGhee, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nelson, Pennington, Powell, Register, Richardson of Cherokee, Richardson of Monroe. Scott, Simpson, Slade, Smith of Lauderdale, Thompson, Walden, Warren, Williamson and Wood—55.

Mr. Caldwell moved to amend by striking out 8th, and inserting 4th.

Mr. Smith, of Lauderdale, moved to lay the amendment on the table.

Carried.

Mr. Morgan moved to amend by inserting 11, A. M., on the 19th.

Adopted.

Mr. Nabors moved to amend :

*Resolved further*, That no member shall receive any mileage for going home and returning to the capital, during said recess.

Mr. Smith, of Lauderdale, moved to lay the amendment on the table.

Yeas 39, nays 47.

Lost.

Yeas—Messrs. Baskins, Baugh, Bell of Talladega, Bennett, Boatright, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskalooza, Caldwell, Chamberlain, Cloud, Coleman, Cullum, Goode, Harris, Johnston of Perry, Jones, Kennedy, Lesueur, Mabry, Mardis, Martin of Dale, McCall, McRae, Molton, Murphy of Henry, Nelson, Pennington, Powell, Pynes, Reedus, Register, Richardson of Cherokee, Scott, Simpson, Slade, Smith of Lauderdale, Walden and Wood—39.

Nays—Messrs. Speaker, Aldridge, Allen, Bell of Franklin, Bradley, Brown of Marion, Calfee, Clarke, Colbert, Denman, Dillard, Echols, Edwards, Espy, Eustace, Flournoy, Griffin, Hale, Hammonds, Herndon, Hobbs, Holly, Houston, Jackson, Jeter, Little, Majors, McCall, Morgan, Murphree of Pike, Nabors, Neal, Parker, Reid, Richardson of Monroe, Sheffield, Smith of Jefferson, Smith of Randolph, Staton, Talley, Tait, Thompson, Warren, Weaver, Williamson and Wright—47.

Mr. Harris moved to postpone until 10 o'clock to-morrow, the whole subject under consideration: when,

The hour of 5 o'clock arrived, and the House stood adjourned until 9½ o'clock, to-morrow morning.

SATURDAY, December 12, 1857.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Shaver.

Journal of yesterday was read and approved.

Mr. Speaker laid before the House a record of divorce ; which was referred to the committee on Divorce and Alimony.

#### CALL OF COUNTIES.

Bills were introduced by :

Mr. Nelson: to compensate returning officers ;

For making election returns in Baldwin county ;

Mr. Smith, of Lauderdale: to prohibit foreign corporations from exercising banking privileges in the State of Alabama ;

Mr. Echols: to amend the law in relation to Divorce and Alimony ;

Mr. Lesueur: to amend the law relative to depositions in the circuit and other courts of this State ;

Mr. Richardson, of Monroe: to amend the collecting laws of this State ;

Mr. Boatright: to incorporate Bethel Male and Female Academy, in the county of Pike ;

Mr. Baskins: to regulate suits in courts of law ;

Mr. Johnston, of Perry: to amend section 739 of the Code ;

Mr. Aldridge: to prescribe the manner and mode of procuring testimony of witnesses in civil cases in this State ;

Mr. Huckabee: to allow the jailor of Greene county additional pay for victualing prisoners ; which bills were severally read, and ordered to a second reading.

Mr. Herndon: to amend the charter of the Protestant and Orphan Asylum Society, at Mobile ; which was read, and the constitutional rule being suspended, was read the second and third times, and passed, and ordered forthwith to the Senate.

Mr. Chamberlain: in regard to the Mobile Savings Bank ; which was read, and under a suspension of the constitutional rule, was read the second time, and referred to the committee on Banks and Banking.

Mr. Goode presented the memorial of Neil Smith ; which was referred to the committee on Propositions and Grievances.

Mr. Huckabee moved to suspend the call for reports, to consider the resolution offered a day or two since, by himself, in regard to changing the standing rule of this House.

Carried.

The resolution was then adopted.

Leave of absence was granted to Mr. Allen.



## REPORTS FROM THE JUDICIARY COMMITTEE.

House proceeded to consider the unfinished report, being an adverse one, of the Judiciary committee, to the bill to repeal section 3043 of the Code of Alabama.

The question being upon the motion of Mr. Adams to postpone the whole subject until Monday next, and make it the special order for the hour of 11 o'clock on that day.

Lost.

Mr. Flournoy moved to amend as follows:

*Provided*, The following items be exempt from the operations of this act, for prosecuting or defending a suit in supreme court, \$15 00; for like services in the chancery court, \$15 00; which,

On motion of Mr. Brown, of Marion, was laid on the table.

Mr. Brown, of Marion, called the previous question, and the previous question was sustained.

Mr. Morgan moved to amend as follows:

*Provided*, That the provisions of this act shall be extended only to the county of Marion; which amendment was cut off by the previous question.

The bill was then ordered to be engrossed.

Mr. Jones reported favorably to the bill to repeal an act entitled an act to amend the patrol laws in Pike county; also,

To the bill to improve sections 2319 and 2320 of the Code of Alabama; also,

To the bill to amend section 3992 of the Code; which bills were ordered to be engrossed.

Mr. Jones reported adversely to the bill to extend the jurisdiction of justices of the peace; also,

To compel plaintiffs in civil actions to give security for costs in certain cases; also,

The bill to amend section 2447 of the Code; which adverse reports were severally concurred in.

Mr. Jones made the following majority report from the Judiciary committee—Messrs. Hale, and Martin of Talladega, dissenting—to whom was referred the resolution of enquiry as to the right of the legislature to repeal the 5th section of the act of February 2nd, 1854, to amend the charter of the Northern Bank of Alabama, have had the same under consideration, and instructed me to

## REPORT:

That in the opinion of your committee the legislature has the

power to repeal the section of the law referred to. As the question involves a most important principle, and your committee are not unanimous upon it, it is considered due to the House to state the grounds of our opinion, without however entering into an argument to support them.

The Constitution of the United States prohibits any State from passing any law impairing the *obligation of contracts*. Is the act in question a contract, obligatory on the State, within the meaning of that clause of the Constitution? We are of opinion it is not. An act of the legislature is not in form, or in the general acceptation of the term, a contract. This clause of the Constitution, being a restriction on the sovereign rights of the States, should receive a strict construction. The supreme court of the United States has however held in many cases, that charters granted by act of the legislature to private corporations, *when founded on a valuable consideration*, are in the nature of a contract, and therefore cannot be repealed or altered without the consent of the corporators. The recent decision of a majority of the judges of the supreme court of the United States, in the cases of the Ohio banks, reported in the 16th and 18th volumes of Howard's Reports, seem to carry this doctrine to an alarming extent. Even those decisions however do not cover the case under consideration. There was a valuable consideration in those cases. Here there is no consideration. The Northern Bank of Alabama was chartered in 1852, and agreed to pay a bonus to the State for that charter. The act of 1854 was a more gratuitous favor on the part of the legislature, without any valuable consideration, and was therefore not an obligatory contract, and may be repealed without violating the Constitution.

There is another ground on which the power of the legislature to repeal this section of the act of February 2nd, 1854, can be maintained, and that is, that it was not the intention of the legislature to make the privilege of issuing small notes irrevocable. There are three well settled principles of construction applicable to statutes of this character. First—the *intention* of the legislature in passing the act is to be carried out, and must prevail over the mere words. Second—statutes creating corporations and giving them extraordinary powers, being in derogation of common right, are to be strictly construed, and their powers are not to be inferred, or enlarged by implication. Third—all acts which are "*in pari materia*," or relate to the same subject, even if passed at different sessions of the legislature, are to be looked to and construed together, to ascertain the intention of the legislature. The charter of the Northern Bank

of Alabama was passed in 1852. The charter was amended by the act of February 2nd, 1854, the 5th section of which provides that the Bank "may" issue notes under five dollars. At the same session of the legislature, and only six days afterwards, another act was passed, on the 8th February, giving that bank and others the power to issue notes under five dollars, and expressly *reserving* to the legislature the right to repeal this privilege. These two acts being passed by the same legislature, at the same session, and in relation to the same subject matter, are to be construed together, and show conclusively that the legislature did not intend to make this privilege irrevocable.

But if the legislature did intend to make this grant irrevocable, we are of opinion it had no power to do so. The power to regulate the currency of the State is a political power. It is one of the attributes of State sovereignty, except so far as it has been given up, by the Constitution, to the Federal Government. It is clear on principle and on authorities, that no legislature can make any grant to any corporation which would diminish or impair any of the sovereign rights of the State. The contrary doctrine would lead to monstrous results. If the legislature could give to the Northern Bank of Alabama an irrevocable power to issue notes of less denomination than five dollars, for eighteen years, it might give it for a thousand years to issue notes as low as one cent, and might give that power to every other private corporation in the State. If these privileges be irrevocable, so that no subsequent legislature could repeal the acts granting them, it is manifest that the power of the State over the currency would be destroyed. The wants and wishes of the people and public policy might imperatively require a better system, and the State would be utterly powerless to afford relief. Your committee can never sanction a doctrine which would lead to such consequences. On this ground too, we are of opinion that this legislature has the power to repeal the section of the act referred to. Whether it is good policy or not, to exercise this power at this time, is a different question, and one which your committee do not feel it incumbent on them to decide. But we feel bound to report it to the House, as the opinion of a majority of the committee, that the legislature has power to repeal the 5th section of the act referred to in the resolution of enquiry.

All which is respectfully submitted.

WM. G. JONES,  
Chairman.

Which was read.

On motion of Mr. Hale, postponed until Wednesday next, and made special order for the hour of 11 o'clock.

Mr. Jones reported adversely to the bill to repeal section 3048 of the Code, in its application to the county of Covington.

Mr. Holly moved to lay the report on the table.

Lost.

The report was then concurred in.

Mr. Nabors reported amendments to the bill to amend the patrol laws, as follows:

"Strike out all of the sections of said bill except sections six and seven."

Adopted, and bill was ordered to be engrossed.

Mr. Nabors reported adversely to the bill in relation to cost in criminal cases in which the venue is changed.

Mr. Flournoy moved to lay the report on the table.

Yeas 40, nays 37.

The motion prevailed.

Yeas—Messrs. Aldridge, Baskins, Baugh, Bell of Talladega, Bennett, Boatright, Browder, Brown of Marion, Brown of Tuskalooza, Bulger, Caldwell, Colbert, Dillard, Echols, Edwards, Espy, Eustace, Flournoy, Griffin, Mardis, Martin of Dale, McCall, McRae, Molton, Morgan, Parker, Powell, Register, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Sheffield, Simpson, Smith of Lauderdale, Stiff, Talley, Tait, Thompson, Williamson and Wright—40.

Nays—Messrs. Bradley, Brewer, Brock, Brown of Tuskalooza, Calfee, Clarke, Coleman, Cullum, Denman, Goode, Hale, Herndon, Holly, Houston, Huckabee, Jackson, Jeter, Johnston of Perry, Jones, Kennedy, Mabry, Majors, Murphree of Pike, Murphy of Henry, Nabors, Nelson, Pynes, Reid, Scott, Slade, Smith of Jefferson, Smith of Randolph, Staton, Walden, Warren, Weaver and Wood—37.

Mr. Caldwell moved to amend as follows:

"*Provided*, That all medical bills and jury expenses shall be included in the costs, in the meaning of this act."

Which was adopted, and the bill ordered to be engrossed.

The hour having arrived for which there was a special order,

On motion of Mr. Hobbs, the special order was suspended, to allow standing committees to report.

Mr. Williamson, from the committee on Enrolled Bills, reported the following as correctly enrolled:

To amend section 2462 of the code;

To regulate appeals from probate courts;

For the relief of mechanics;

To prescribe the duties, rights and liabilities of general administrators when they resign their office;

To amend the charter of the Protestant Orphan Asylum Society, located at Mobile.

Mr. Nabors reported adversely to the bill to amend the patrol laws of Alabama;

Also, the bill requiring trustees managing trust property, to make annual settlements;

Mr. Scott reported adversely to the bill more effectually to secure the attendance of witnesses before grand juries.

Which reports were severally concurred in.

Mr. Adams reported adversely to the bill to provide for the presentation of claims to the county of Walker; which report,

On motion of Mr. Jones, was laid on the table, and the bill was recommitted to the Judiciary committee.

Mr. Adams reported adversely to the bill to amend sections 2796, 2797, 2798 of the Code.

Mr. Holly moved to lay the report on the table.

Lost. Report concurred in.

Mr. Scott reported amendments to the bill to provide for the administration of John Troup, deceased, as follows:

After the word "manner," in the 28th and 29th lines of section 1, add, "keeping a correct account of the sums expended for said minor, and account to said minor, on a final settlement, for half the proceeds of the crop sold, and other proceeds of the estate, and crediting herself with all sums properly expended for said minor."

Which was adopted, and ordered that the bill be engrossed.

#### REPORTS FROM THE COMMITTEE ON MILITARY AFFAIRS.

Mr. Bulger reported that there was nothing in the communication of John W. Davis, that required the action of this House, and asked to be discharged from the further consideration of the same.

Concurred in.

#### REPORTS FROM THE COMMITTEE ON INTERNAL IMPROVEMENTS.

Mr. Caldwell reported amendments to the bill to amend an act therein named, as follows:

Amend 1st section, by inserting between the words three years and until, the word "and."

Amend 2nd section, by inserting before the word vessels,

where it occurs in the 12th line of said section, the following: "The duties to be performed in reference to."

3rd amendment—Strike out all of the second section, after the word received, in the 14th line of said section, and substitute the following: "In all cases the same fees for like services as are allowed the harbor and port-wardens in said act."

Amend 4th section by adding at the end thereof: "That he shall, before entering upon the duties of his office, take and subscribe before the judge of probate of Mobile county, an oath faithfully to discharge the duties imposed on him by this act, to the best of his knowledge and ability."

On motion of Mr. Herndon, the further consideration of the amendments and bill was postponed until 11 o'clock, on Friday next, and made the special order for that hour.

Mr. Edwards reported (majority report) favorably to the bill to appropriate a part of the two per cent. fund, &c

Mr. Caldwell submitted minority report, as follows:

#### MINORITY REPORT:

The committee on Internal Improvements, to whom was referred a bill to be entitled a act to incorporate a part of the two per cent. fund, have had the same under consideration, and a majority of the committee present determined to report the bill back to the House, without amendment, and recommend its passage.

The undersigned, a minority of the committee, beg leave to report adversely to the bill, and offer the following reasons in opposition to its passage:

First, the bill proposes to appropriate \$25,000 of the 2 per cent. fund, for the purpose of making a survey of a route for a central railroad, to connect the waters of the Mobile Bay and Tennessee River. As to the termini of the road, the bill is silent, but the friends of the bill inform the committee, that, inasmuch as the Alabama and Tennessee Railroad is in running operation to Montevallo, they expect the survey will commence at that point and cross the Cahaba hills, in the direction of Elyton, and from thence across the Warrior Mountains to Decatur, or, from Montevallo direct to Beard's Bluff on the Tennessee River. The undersigned feel assured that the amount proposed to be appropriated is *larger* than the sum in the treasury legitimately belonging to this or any other route, which proposes to connect the waters of the Mobile Bay and the Tennessee River, as the facts in reference to this will more fully show hereafter.

Secondly, the undersigned believe that this appropriation, for the

objects set forth in the bill, would be a useless, extravagant and wasteful expenditure of the public money, which would result in no practical good or benefit to the State.

The route from Decatur across the Warrior Mountains, through the counties of Morgan, Hancock, Blount, Walker and Jefferson to Elyton, has been surveyed heretofore by a competent corps of engineers, under the direction of Col. Jno. F. Steele. This gentleman has made a report of his survey, but said report has not been submitted to the committee, as evidence of the practicability or necessity for such a route. In the absence of such evidence, and relying on information derived from other sources, the minority are forced to the conclusion that a railroad traversing as this proposes to do, a sterile, mountainous and sparsely populated country, could not be built by the people along the line of this contemplated route, nor even by the State of Alabama, with the aid of the 2 and 3 per cent. funds, without resorting to oppressive taxation upon the people, which your committee believe should never be done.

It is remembered by your committee, and known to every member of this House, that an application was made two years ago for this same appropriation, and since that time certain politicians in this State, have openly advocated the building of this road from Montevallo to Decatur, by the State, notwithstanding the *people* have time and again decided against the policy of the State engaging in building railroads directly by the State, or by loaning money from the treasury or by endorsing bonds.

The undersigned can but regard the large appropriation asked for in the bill, together with its machinery, as the entering wedge in the inauguration of a system of State aid, which if adopted, will prove an incubus upon Alabama for years to come.

Your committee further urge, in argument against the large amount asked for in this bill, that experience, founded on other railroad surveys in this State, warrants the conclusion, that \$5,000 would be ample to make the survey from Montevallo to Decatur, and from the same place to Beard's Bluff on the Tennessee River. And as to the proposition of the friends of the appropriation to survey and take into consideration the claims of the Alabama and Tennessee River Railroad, and the Coosa and Tennessee Railroad, your committee regards as worse than folly, for it involves the useless expenditure of money upon a route which has been surveyed time and again, *at the expense of the two companies*, and which has been located, and the greater part of grading entirely completed. Ninety miles of the Alabama and Tennessee Rivers Railroad is now in daily running operation. From Coosa station, the present northern terminus of the road

to Gadsden, on the Coosa River, three-fourths of the road is graded, and only requires the iron to complete it in a short time.

On the Tennessee and Coosa Rivers Railroad from Gadsden to the Tennessee River, now at or near Gunter's landing, a distance of 37 miles, 24 or 25 miles have been graded; and the entire line from Selma to the Tennessee River has not only been surveyed but located, and nearly all let out to contractors. Your committee, therefore, have reached the conclusion, that it would, in an eminent degree, be a wasteful expenditure of money to survey either of those routes.

Thirdly, the undersigned believe that an appropriation of \$25,000, or any other sum, of the 2 per cent. fund, would be a mis-appropriation of the fund, and in support of this declaration, call the attention of the House to the following facts:

Under the act of Congress of the 4th Sept., 1841, the 2 per cent. fund was relinquished to the State of Alabama upon the following *proviso*, to wit:

"That the legislature of said State shall first pass an act, declaring their acceptance of said relinquishment, and also embracing a provision, to be unalterable without the consent of Congress, that the whole of said 2 per centum fund shall be faithfully applied, under the direction of the legislature of Alabama, to the connection by some means of internal improvement, of the navigable waters of the Bay of Mobile with the Tennessee River, and to the construction of a continuous line of internal improvements from a point on the Chattahoochee River, opposite West Point, in Georgia, across the State of Alabama in a direction to Jackson, in the State of Mississippi." (See U. S. Statutes at large, vol. 5, p. 475.)

In December, 1841, the legislature of Alabama accepted the relinquishment of the 2 per cent. fund made by Congress in the following language: (See Clay's Digest, page 582, 2 per cent. fund, sections 1 and 2.)

"In pursuance of the seventeenth section of an act, entitled 'an act to appropriate the proceeds of the sales of public lands, and to grant pre-emption rights, passed by the Congress of the United States, and approved the 4th Sept. 1841, the State of Alabama hereby accepts the relinquishment of the 2 per cent. fund, on the terms and conditions in said seventeenth section expressed.

"The whole of said 2 per cent. fund shall be faithfully applied, under the direction of the legislature of Alabama to the connection by some means of internal improvement of the navigable waters of the Bay of Mobile with the Tennessee River,



and to the construction of a continuous line of internal improvement, from a point on the Chattahoochee River, opposite West Point, in Georgia, across the State of Alabama, in a direction to Jackson, in the State of Mississippi; and so far as relates to a faithful application of said 2 per cent. fund to the purposes aforesaid, this act is hereby declared unalterable without the consent of Congress."

After the acceptance thus made by the State of Alabama the legislature, by an act, approved the 4th of February, 1850, selected and designated the Alabama and Tennessee River Railroad and the Tennessee and Coosa Railroad as the means of internal improvement, and the route to connect the navigable waters of the bay of Mobile with the Tennessee River.

The first section of this act expressly declares, "that so much of the two per cent. fund, with its accumulations, together with so much of what the State may be entitled to on account of said fund from any source at the passage of this act, as shall amount to but not exceed in the aggregate, the one half of the entire fund." (See Acts of '49-'50, p. 137.)

The undersigned regard this act as a clear indication on the part of the legislature, not only as designating the route to connect the navigable waters of the bay of Mobile with the Tennessee River; but upon a fair construction of the act, one-half of the entire two per cent. fund was intended by the legislature for these railroads. The language of the act, "that so much of the two per cent. fund, with its accumulations," in the beginning of the paragraph, and the concluding words of the sentence quoted, "as shall amount to but not exceed in the aggregate the one-half of the entire fund," is conclusive to show that it is the spirit and intention of the act not only to select and designate the road to carry out the object so clearly expressed in the act of Congress, but to give their entire fund for the purpose of constructing these railroads.

Your committee beg further to call the attention of the House to the language of a preamble at the head of an act of the legislature, approved 9th February 1850:

"Whereas, by virtune of sundry acts of the General Assembly of this State, a portion of the fund known as the two per cent. fund has been disposed of in the following manner—that is to say, the sum of one hundred and sixteen thousand dollars, or thereabouts, loaned to the Montgomery and West Point Railroad, and one half of the entire fund appropriated to aid in the construction of a railroad from the Alabama to the Tennessee River." [See acts 1849-50, p. 136.]

The language set forth in the foregoing preamble, declaring "one-half of the entire fund appropriated to aid in the construction of a railroad from the Alabama to the Tennessee river," taken in connection with the act of appropriation before referred to, is a clear designation by the legislature, of the route, as well as "the means of internal improvement" by which the act of Congress should be carried into effect.

If, then, the minority of your committee are correct in the opinion that the Alabama and Tennessee River Railroad, and the Tennessee and Coosa River Railroad, are "the means of internal improvement," and the route to connect the navigable waters of the bay of Mobile with the Tennessee river, will not the conviction fasten itself irresistibly upon every unprejudiced and disinterested mind, that an appropriation of \$25,000 to survey any route, or aid any other roads than those already selected and designated by former acts of the legislature, would be a clear misapplication of the two per cent. fund?

Your committee beg leave to call the attention of the House to another act of the legislature, entitled an act "to aid the Tennessee and Coosa Railroad," approved 17th February, 1854. By this act "one-half of the unappropriated part of the two per cent. fund be, and the same are hereby loaned or advanced to the Tennessee and Coosa Railroad."

It is evident from this act, coupled with the previous acts, as hereinbefore referred to, that all of the two per cent. fund up to the 17th February, 1854, have been appropriated to these railroads now in process of construction. Since that time (February, 1854,) but a small portion of this fund has accumulated; and how, we ask, is this fund to be divided, if the bill reported by the majority of the committee becomes a law? Your committee can see no other result to be produced than endless strife and interminable difficulty.

In conclusion, your committee will state that they have examined into the condition of the two per cent. fund, and find that there is only \$46,357 48 in the treasury. Of this amount one-half belongs to the Alabama and Mississippi River Railroad, the legislature having heretofore declared that the two per cent. fund should be divided in equal parts—one half to be applied in constructing a road across the State in the direction of Jackson, Mississippi, and the other in connecting the Alabama river by railroad with the Tennessee river.

That half which is set apart to connect, under the act of Congress, the navigable waters of the bay of Mobile with the Tennessee river, amounts to \$28,178 74. The entire half of that fund, heretofore, has been concentrated for the purpose of con-

structing a railroad from Selma to the Tennessee river. Under appropriations of the legislature, two companies have gone to work in good faith to carry out the acts of Congress and the legislature, and with a fair prospect of accomplishing the object.

These two companies having been induced to go to work, and having expended a large amount of their own labor and means for the purpose of connecting the Alabama and Tennessee rivers—the most practicable route by which North and South Alabama can be united by railroad—this bill, endorsed by the majority of the committee, proposes to take the last dollar of one half of the fund, (\$23,178 74,) and then takes \$1,821 26 from the other half, which cannot be done without acting in bad faith with the Alabama and Mississippi River Railroad company.

The minority cannot withhold the expression of their convictions that it would be bad policy, if not bad faith, in the Legislature, after directing one half of the entire fund to be used in constructing a railroad, to take the only remaining portion (23,178 74) which has accumulated in the treasury, and to appropriate it to a “wild hunt” after a rival route—one which, if established, could only have the effect of destroying the interests and paralyzing the objects of both roads.

J. H. CALDWELL,  
A. Q. BRADLEY.  
JAMES L. SHEFFIELD.

The hour of 12 o'clock having arrived,

On motion of Mr. Staton, the general orders were suspended to dispose of the bill and continue reports.

Carried.

Mr. Mabry moved to strike out “two per cent,” and insert “three per cent.” and,

On motion of Mr. Molton the further consideration of the bill and amendment, was postponed until 11 o'clock, on Wednesday next, and made the special order for that hour.

Message from the Senate by Mr. Cain :

Mr. Speaker: The Senate has passed bills of the following titles :

An act to make the circuit court judges rotate throughout the State, and for other purposes, amended by the Senate ;

To authorize A. M. Lewis, of Marengo county to erect gates across a certain public road ;

To incorporate the Uniontown and Jackson Railroad company ;

To amend sections 2313 and 2779, and to repeal section 2314 of the Code.

To amend an act to incorporate a company of artillery at Greensboro';

To incorporate the Rock Island and Coosa Mining company ;

To provide for printing the reports of the comptroller of public accounts, state treasurer, and inspectors of the penitentiary ;

To repeal an act approved February 5th, 1856, and for other purposes, amended by the Senate ;

For the relief of the estate of Albert Russell, deceased, amended by Senate ;

To amend the charter of the Protestant Orphans Asylum Society, located at Mobile.

Mr. Williamson moved to reconsider the vote by which the House concurred in the adverse report of the Judiciary committee, to the bill to amend sections 2796, 2797 and 2798 of the Code.

The motion prevailed.

And on motion of Mr. Williamson, the bill was recommitted to the Judiciary.

Message from the Governor, by Mr. Powell:

Mr. Speaker: The Governor has approved of the following bills, which originated in the House of Representatives :

An act for the relief of Mechanics ;

An act to regulate appeals from probate courts ;

An act to amend section 2462 of the Code of Alabama ;

An act to prescribe the duties, rights and liabilities of general administrators, when they resign their offices.

Mr. Griffin moved to suspend reports to consider the resolution in regard to an amendment.

Carried.

The question being upon the adoption of the amendment offered by Mr. Nabors on yesterday.

Mr. Bulger moved to amend as follows :

*Provided*, That each member shall be allowed his travelling expenses, by the usual route, and no other, to and from the seat of government.

Mr. Morgan moved to lay the amendment on the table.

Carried.

Yeas 58, nays 20.

Yeas—Messrs. Speaker, Aldridge, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright Bradley, Brewer, Brown of Marion, Brown of Tuskalooza, Caldwell, Clarke, Coleman, Cul- lum, Denman, Dillard, Echols, Edwards, Espy, Eustace, Flour- noy, Griffin, Harris, Herndon, Holly, Houston, Huckabee, Jones, Little, Majors, Mardis, McGhee, Morgan, Murphree, Nabors, Neal, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Reg- ister, Reid, Remson, Richardson of Monroe, Scarborough, Scott,

Sheffield, Slade, Smith of Jefferson, Smith of Lauderdale, Stiff, Talley, Thompson, Walden, Weaver and Wood—58.

Nays—Messrs. Brock, Browder, Bulger, Colbert, Goode, Hale, Hammonds, Jackson, Jeter, Kennedy, Lesueur, Martin of Dale, McRae, Murphy of Henry, Richardson of Cherokee, Simpson, Smith of Randolph, Staton, Warren and Wright—20.

Mr. Clarke moved to lay all amendments on the table.

Lost.

Mr. Brown, of Marion, moved to amend as follows:

*Resolved*, That the members of the Senate and House of Representatives, waive their contract with the State of Alabama, and surrender all right to mileage for going to and returning from their homes, and a vote upon the resolution shall indicate their waive as aforesaid.

Mr. Powell moved to suspend all business before the House to allow Mr. Goode to offer a resolution.

Carried.

Mr. Goode offered the following resolution:

*Resolved*, That this House, with the concurrence of the Senate, do adjourn on Saturday next, the 19th inst. and that the two Houses of the General Assembly of this State, meet again on the 6th day of January, 1858, and say no more about mileage, *or per diem*.

Mr. Goode called the previous question.

Mr. Powell moved to suspend the rule of the House requiring an adjournment at 2 o'clock.

Carried.

The question being, "shall the main question be now put?"

Yeas 48, nays 31.

Yeas—Messrs. Bell of Talladega, Boatright, Bradley, Brewer, Brock, Browder, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Chamberlain, Clarke, Coleman, Cullum, Dillard, Edwards, Goode, Griffin, Harris, Hobbs, Jackson Jeter, Jones, Kennedy, Lesueur, Mardis, Martin of Dale, McCall, McGhee, McRae, Murphree of Pike, Murphy of Henry, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Register, Remson, Richardson of Cherokee, Simpson, Slade, Smith of Jefferson, Smith of Lauderdale, Walden, Warren and Wood—48.

Nays—Messrs. Speaker, Bell of Franklin, Brown of Marion, Colbert, Denman, Echols, Espy, Eustace, Hale, Hammonds, Herndon, Holly, Houston Huckabee, Little, Majors, Morgan, Nabors, Neal, Reid, Scarborough, Scott, Sheffield, Smith of Randolph, Staton, Stiff, Talley, Thompson, Weaver, Williamson Wright—31.

Mr. Wood moved to reconsider the vote by which the House sustained the previous question.

Reconsidered.

Mr. Jones moved to amend by striking out 6th and inserting 8th, and to strike out the last sentence of the resolution.

Adopted.

Mr. Echols moved to amend "that no constructive mileage shall be received by a member of the General Assembly of this State."

Lost.

Mr. Jones moved the previous question.

Yeas 50, nays 27.

Yeas—Messrs. Bell of Talladega, Boatright, Bradley, Brewer, Brock, Browder, Brown of Tuskaloosa, Bulger, Calfee, Caldwell, Chamberlain, Clarke, Coleman, Cullum, Dillard, Edwards Goode, Harris, Herndon, Hobbs, Jackson, Jeter, Jones, Kennedy, Lesueur, Mardis, Martin of Dale, McCall, McGhee, McRae, Morgan, Murphree of Pike, Murphy of Henry, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Register, Remson, Richardson of Cherokee, Scarborough, Sheffield, Simpson, Slade, Smith of Lauderdale, Walden, Weaver and Wood—50.

Nays—Messrs. Speaker, Aldridge, Baugh, Brown of Marion, Denman, Echols, Espy, Eustace, Flournoy, Griffin, Hale, Holly, Houston, Huckabee, Little, Majors, Nabors, Neal, Reid, Smith of Randolph, Smith of Jefferson, Staton, Stiff, Thompson, Weaver, Williamson and Wright—27.

The previous question was then sustained, and the question now being upon the adoption of the resolution.

Lost.

Yeas 37, nays 42.

Yeas—Messrs. Bell of Talladega, Boatright, Brock, Browder, Caldwell, Chamberlain, Coleman, Cullum, Goode, Harris, Herndon, Huckabee, Jackson, Jeter, Jones, Kennedy, Lesueur, Mardis, Martin of Dale, McCall, McGhee, McRae, Murphree of Pike, Murphy of Henry, Nelson, Parker, Powell, Pynes, Reedus, Register, Remson, Simpson, Slade, Smith of Lauderdale, Walden, Warren and Wood—37.

Nays—Messrs. Speaker, Aldridge, Baugh, Bell of Franklin, Bradley, Brewer, Brown of Marion, Brown of Tuskaloosa, Bulger, Calfee, Clarke, Denman, Dillard, Edwards, Espy, Eustace, Flournoy, Griffin, Hale, Hammonds, Hobbs, Holly, Houston, Little, Majors, Morgan, Nabors, Neal, Pennington, Reid, Richardson of Cherokee, Scott, Sheffield, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Talley, Thompson, Weaver, Williamson and Wright—42.

Mr. Clarke moved to reconsider the vote by which the House refused to adopt the resolution.

The vote was reconsidered, and the resolution was adopted.

Yeas 40, nays 37.

Yeas—Messrs. Bell of Talladega, Boatright, Browder, Caldwell, Clarke, Chamberlain, Coleman, Cullum, Goode, Harris, Herndon, Huckabee, Jackson, Jeter, Jones, Lesueur, Mardis, Martin of Dale, McCall, McGhee, McRae, Murphree of Pike, Murphy of Henry, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Register, Remson, Richardson of Monroe, Scarborough, Scott, Simpson, Slade, Smith of Lauderdale, Walden, Warren and Wood—40.

Nays—Messrs. Aldridge, Baugh, Bell of Franklin, Bradley, Brewer, Brock, Brown of Marion, Brown of Tuskaloosa, Bulger, Calfee, Denman, Dillard, Edwards, Espy, Eustace, Flournoy, Griffin, Hale, Hammonds, Hobbs, Houston, Kennedy, Majors, Morgan, Nabors, Neal, Reid, Richardson of Cherokee, Sheffield, Smith of Jefferson, Smith of Randolph, Staton, Talley, Thompson, Weaver, Williamson and Wright—37.

My motive to reconsider was prompted by the common courtesy which those voting in the majority usually extend to the minority; and my final vote after having voted persistently several times in opposition to adjournment, was cast in favor of it because the best interests of the State dictated the course. As a matter of policy, merely, it appeared clearly more judicious to adjourn at once, than to be engaged in an expensive, useless and unending discussion of the resolution.

JAMES S. CLARKE.

And the House on motion, then adjourned until Monday morning, 9½ o'clock.

MONDAY, December 14th, 1857.

House met pursuant to adjournment.

Prayer by Rev. Bishop Cobbs.

The journal was read and approved.

Mr. Scott obtained a leave of absence for his colleague, Mr. Harris.

#### CALL OF COUNTIES.

Bills were introduced by :

Mr. Scarborough : to amend sections 2118 and 2121 of the Code ;

Mr. Holly : to repeal an act entitled an act to make a loan to the Alabama and Tennessee Rivers Railroad, passed January 21st, 1856 ;

Mr. Scott : to prevent members of the legislature from receiving extra mileage, &c.;

Mr. Lesueur : to abolish the December term of the chancery court, in Marengo county ;

Mr. McGhee : to amend section 397 of the Code of Alabama ;

Mr. Molton : to extend the powers of the police, of the city of Montgomery ;

Mr. Mardis : to incorporate the town of Columbiana, in the county of Shelby ;

Mr. Morgan : to provide for the arrest and conviction of negro thieves ;

Mr. Houston : joint resolution to change the time of the meeting of the General Assembly of this State ;

Mr. Martin, of Talladega : to incorporate the Forest Hill Female Seminary, in Talladega county ;

Mr. Simpson : providing for garnishments in certain cases ; and,

To amend section 2768 of the Code ; which bills were severally read, and ordered to a second reading on to-morrow.

Mr. Jones : a bill for the relief of Catharine L. Benson, administratrix of Nimrod E. Benson ; which bills were read the first time—and under the suspension of the constitutional rule, was read the second time, and referred to the committee on the Judiciary.

Mr. Chamberlain presented the petition of the citizens of Mobile ; which was referred to the committee on Privileges and Elections.

Mr. Tait presented the petition of Robert F. Thompson ; which was referred to the committee on Propositions and Grievances.

Mr. Sheffield presented the account of Champion Farris ; which was referred to the committee on Accounts and Claims.

Mr. Brewer moved to suspend call of the counties of reports to introduce a resolution.

Lost.

Mr. Morgan moved to suspend the call for reports to take up the joint resolutions from the Senate, asking Congress to establish an arsenal for the manufacture of arms, &c., in this State.

Lost.



## REPORT FROM THE COMMITTEE ON INTERNAL IMPROVEMENTS.

Mr. Caldwell reported back to the House the memorial of the Alabama and Tennessee Rivers Railroad company, and asked that it be referred to the committee on Ways and Means.

Concurred in.

## REPORT FROM COMMITTEE ON PROPOSITIONS AND GRIEVANCES.

Mr. Smith, of Randolph, to whom was referred the petition of Joshua Lyon reported a bill therefor; which was read, and ordered to a second reading.

## REPORTS FROM THE COMMITTEE ON ACCOUNTS AND CLAIMS.

Mr. Staton, to whom was referred the account of W. B. & A. R. Bell, reported a bill therefor; which was read—and under a suspension of the rule (constitutional,) was read the second and third times, and passed, and ordered forthwith to the Senate.

Mr. Parker reported favorably to the bill to compensate Clark Cross for services rendered; which was ordered to a third reading.

Mr. Staton to whom was referred the account of U. T. Cleveland, reported a bill therefor; which was read, and ordered to a second reading.

## REPORTS FROM COMMITTEE ON SIXTEENTH SECTIONS.

Mr. Pennington reported amendments to the bill to provide for the extension of the debts due 16th sections as follows: in section 1, strike out from the passage of the bill, and insert two years from the 1st March, 1858; in section 2, strike first Monday and insert, first day.

Adopted, and recommitted to committee on Education.

Mr. Pennington reported adversely to the bill for the relief Green W. Grant.

Mr. Remson reported adversely to the bill for the relief of Richard Stephens, of Blount county; which report was laid on the table, and said bills recommitted to the committee on Education.

Mr. Remson reported a bill for the relief of Thos. M. Adkins, upon petition; which was read, and ordered to a second reading.

Mr. Register, from the committee on Roads, Bridges and Ferries, reported favorably to Senate bill to change the manner

of appointing overseers and apportioners of roads in the county of Russell; which was ordered to a third reading.

Mr. Edwards, from select committee, to whom was referred the bill to change the time of holding the circuit courts of the counties of Blount, Walker, Marion and Fayette, reported favorably thereto.

Said bills was ordered to be engrossed.

Mr. Brown, of Marion, offered the following resolution :

*Resolved*, That the General Assembly of Alabama, fully and entirely endorse the whole policy of the present national administration, and that the views of the chief executive as set forth in his recent message to Congress, as to Kansas affairs, as to the filibustering schemes in the South, and as to the Pacific Railroad, have the unqualified approval of this General Assembly.

*Resolved further*, That our Senators and Representatives in Congress be requested to sustain by their votes, the policy and the measures indicated in the foregoing resolution.

Mr. Morgan moved to lay the resolutions on the table.

Mr. Brown, of Tuscaloosa, moved to postpone the motion to lay on the table, until the 8th day of January, 1858, at 11 o'clock; and make it the special order for that hour.

Mr. Jones called up the rule offered by himself several days since; which was adopted.

Mr. Martin, of Talladega, from the Judiciary committee, reported adversely to the bill to prevent malicious prosecutions.

Mr. Bulger moved to lay the report on the table.

Lost.

Yeas 12, nays 71.

Yeas—Messrs. Speaker, Allen, Bulger, Coleman, Espy, Holly, Majors, Register, Richardson of Cherokee, Simpson, Siade and Warren—12.

Nays—Messrs. Adams, Aldridge, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Brock, Brown of Marion, Brown of Tuscaloosa, Calfee, Caldwell, Clarke, Clayton, Cloud, Colbert, Denman, Dillard, Edwards, Eustace, Goode, Hale, Hammonds, Herndon, Hobbs, Houston, Huckabee, Jackson, Jeter, Johnson of Perry, Jones, Kennedy, Lesueur, Little, Mabry, Mardis, Martin of Dale, Martin of Talladega, McCall, McGhee, McRae, Molton, Morgan, Murphy of Henry, Nabors, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Reid, Remson, Richardson of Monroe, Scarborough, Scott, Sheffield, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Tait, Walden, Weaver, Wood and Wright—71.

The adverse report was then concurred in.

Mr. Speaker : The Governor has approved the following bills which originated in the House of Representatives :

An act to amend the charter of the Protestant Orphans' Asylum Society, located at Mobile ;

An act in regard to extending the time for the payment of taxes into the State treasury, &c.

Mr. Wood moved to suspend all the special orders, to consider the joint resolutions designating the application of certain lands granted by Congress to the State of Alabama, and the bill to legalize the suspension of specie payments of the Central Bank and the Commercial Bank of Alabama.

Carried.

House proceeded to consider, first, the joint resolutions designating the application of certain lands, &c.

The question being upon the adoption of the amendments reported by the committee on Internal Improvements.

The first amendment was adopted.

The second amendment was then adopted, and is as follows :

*Be it further resolved*, That the lands, rights and privileges granted to and conferred upon the State of Alabama, to aid in the construction of certain railroads, by the act of Congress aforesaid, be, and the same are hereby accepted upon the terms, conditions and restrictions therein provided.

*Be it further resolved*, That so much of the said lands, interest, rights and privileges as are, or may be granted and conferred in pursuance of said act of Congress, to aid in the construction of the North East and South Western Railroad, from near Gadsden to some point on the Alabama and Mississippi State line, in the direction to the Mobile and Ohio Railroad, with a view to connect with the Mobile and Ohio Railroad, are hereby disposed of, granted to and conferred upon the North East and South West Alabama Railroad company, a body corporate existing under the laws of the State of Alabama, to be used and applied by said company upon the terms, conditions and restrictions in said act of Congress contained.

*Be it further resolved*, That so much of the said lands, interest and rights, powers and privileges, as are or may be granted and conferred in pursuance of said act of Congress, to aid in the construction of a railroad from Gadsden, to connect with the Georgia and Tennessee line of railroads through Chattanooga Mills and Lookout Valley, are hereby disposed of, granted to, and conferred upon the Wills Valley Railroad, a body corporate, existing under the laws of the State of Alabama, to be used and applied by said company, upon the terms, conditions, and under the restrictions in said act of Congress contained.

Mr. Brown moved to suspend the constitutional rule.

Carried.

The bill was read the third time and passed.

The House then proceeded to the consideration of the bill to legalize the suspension of specie payments of the Central Bank and Commercial Bank of Alabama.

Mr. Wood moved to amend by striking out 200,000 when it occurs in the eighth line of section one, and insert fifty.

Adopted.

When, on motion of Mr. Wood, the House resolved itself into a committee of the whole House, to consider the above bill, Mr. Smith, of Lauderdale, in the chair.

After some time spent in deliberation thereon, the committee arose, and through their chairman reported progress, asked and obtained leave to sit again.

The hour of half after one o'clock having arrived, the House stood adjourned until 3½ o'clock, P. M.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

On motion of Mr. Goode, the roll was called and the following members answered to their names :

Messrs. Speaker, Adams, Aldridge, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Bradley, Brock, Brown of Marion, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Clarke, Cloud, Chamberlain, Colbert, Coleman, Cullum, Denman, Dillard, Echols, Edwards, Espy, Eustace, Goode, Griffin, Hale, Herndon, Holly, Houston, Johnston of Perry, Jones, Kennedy, Lesueur, Little, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson Parker, Pennington, Powell, Pynes, Reedus, Register, Reid, Remson, Richardson of Monroe, Scott, Sheffield, Simpson, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Tait, Thompson, Walden, Warren and Williamson—75.

Mr. Williamson, from the committee on Enrolled Bills, reported the bill in regard to extending the time for the payment of taxes into the treasury, &c., as correctly engrossed.

Message from the Senate, by Mr. Brittan :

Mr. Speaker: The Senate has originated and passed a bill to make an appropriation for the payment of the members and officers of the present General Assembly of this State.

On motion of Mr. Molton the general orders were suspended.

On motion of Mr. Smith, of Lauderdale, the House resolved

itself into the committee of the whole House, to proceed with the consideration of the bill to legalize the suspension of specie payments by the Central and Commercial Banks of Alabama. After some time spent in the deliberation thereof, the committee arose, and through their chairman, Mr. Smith, of Lauderdale, reported progress, and asked and obtained leave to sit again on to-morrow.

The hour of 5 o'clock having arrived, the House stood adjourned until 9½ o'clock, to-morrow morning.

TUESDAY, December 15th, 1857.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Petrie.

The journal was then read and approved.

Mr. Powell presented a petition, which was referred to the committee on Roads, Bridges and Ferries.

Mr. Majors announced the arrival of Mr. Higgins, member elect from the county of DeKalb; who appeared within the bar of the House, was qualified, and took his seat.

Mr. Clayton moved to suspend the business before the House, for the purpose of taking from the calendar the bill to incorporate the city of Eufaula; which was read three times, and passed.

Also, to authorize the administrator of Richard Morton, deceased, late of Autauga county, to sell the negro property belonging to said estate;

Also, the bill for the relief of J. L. Peune.

Which bills were severally read the second time, and, under a suspension of the constitutional rule, were read three times, and passed, and ordered forthwith to the Senate.

Also, to authorize magistrates in beats number four and five of Montgomery, to appoint special constables in said beats; which was read the third time, and passed, and ordered forthwith to the Senate.

Mr. Warren moved a further suspension, to take up engrossed bill to alter the time of holding the Spring term of the circuit court of Pike and Coffee counties.

Carried.

The bill was then made the special order for Thursday next, at 11 o'clock.

Mr. Clarke moved to suspend further, to consider the following bills:

To authorize Edward R. Stanley to lease the lands of his ward; which was read the second time, and under a suspension of the

constitutional rule, was read the third time, and passed, and ordered forthwith to the Senate.

Also, to abolish the December term of the chancery court in Marengo county; which was read, and under a suspension of the constitutional rule, was read the third time, passed, and ordered forthwith to the Senate.

Also, to the bill for the relief of the estate of Albert Russell, deceased, amended by the Senate; which amendment was concurred in.

On motion, the House suspended the business before it, to allow the committee on Divorce and Alimony to report.

Mr. Nabors reported a bill to divorce Sarah A. Eustis from her husband, Joseph G. Eustis, and to divorce other persons therein named; which was read, and ordered to a second reading.

Mr. Reedus reported a bill to divorce certain persons therein named; which was read, and ordered to a second reading.

Mr. Bennett reported a bill to divorce certain persons therein named; which was read, and ordered to a second reading.

The bill to amend the charter of the Winchester and Alabama Railroad company, approved 25th January, 1856; which was read three times, and passed.

The hour of 11 o'clock having arrived, for which there was a special order,

On motion of Mr. Irby, was suspended, to allow him to make a report from the committee on Ways and Means.

Mr. Irby then reported a bill to make appropriations for the fiscal year of 1857 and 1858; which was read the first time, and under a suspension of the constitutional rule, was read the second time, and,

On motion of Mr. Wood, amended as follows:

"Strike out the words \$150 and insert \$200."

Adopted.

The bill was read a third time, under a suspension of the constitutional rule, and passed, and ordered forthwith to the Senate.

Message from the Senate, by Mr. Cain:

Mr. Speaker: The Senate concurs in the resolution of the House of Representatives, proposing that the two Houses of the General Assembly adjourn on the 19th instant, to meet again on the 8th day of January, 1858.

The Senate has originated and passed a bill to regulate the endorsement of the bonds of the Alabama and Florida Railroad company by the Montgomery and West Point Railroad company; also,

To extend the charter of the Winchester and Alabama Railroad.

The House then proceeded to consider the special orders, being the bill to legalize the suspension of specie payments of the Central and Commercial Banks of Alabama; when,

On motion of Mr. Wood, the House resolved itself into the committee of the whole House, to proceed with the consideration of the bill named above. (Mr. Wood in the chair.)

After some time spent in deliberation thereon, the committee arose, and through their chairman, Mr. Wood, reported progress, and asked and obtained leave to sit again this afternoon.

Leave of absence was granted to Mr. Powell.

And the hour of 1½ o'clock arrived, when the House stood adjourned until 3½ o'clock, P. M.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

On motion of Mr. Wood, the House resolved itself into the committee of the whole House, to proceed with the consideration of the bill to legalize the suspension of specie payments of the Central and Commercial Banks of Alabama.

After some time spent in deliberation thereon the committee arose, and through their chairman, Mr. Wood, reported progress, and asked and obtained leave to sit again on to-morrow.

The hour of 5 o'clock having arrived, the House stood adjourned until 9½ o'clock, to-morrow morning.

WEDNESDAY, December 16th, 1857.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

The journal was read and approved.

Mr. Speaker laid before the House a record of divorce; which was referred to the committee on Divorce and Alimony.

On motion of Mr. Bradley, the regular business was suspended to take from the calendar the bill to give the commissioners' court of Perry county authority to relieve James Didlake; also,

To amend section 1537 of the Code; which bills were read the third times, and passed, and ordered forthwith to the Senate.

Mr. Murphree, of Pike, moved an additional rule to the rules of this House:

*Resolved*, That from and after to-day, the general orders shall be taken up for consideration at 3½ o'clock, P. M., on each day, and shall not be suspended until disposed of.

On motion of Mr. Hale, all business before the House was suspended to proceed with the general orders.

The engrossed bills:

To authorize Richard J. Tarver and others to establish a ferry across the Alabama river, at Selma;

To repeal an act therein named;

To change the time of holding the chancery courts for the thirty-eighth and thirty-ninth districts, Northern Division of Alabama;

To repeal an act to regulate the license of pedlars, in Chambers county;

For the relief of James Scales, jr.;

For the relief of John D. Price, of Jefferson county; which bills were severally read the third time, and passed.

The engrossed bills:

To authorize the Mobile Marine Railway and Insurance, and City Insurance company to consolidate their capital stock; which was read the third time; and,

On motion of Mr. Chamberlain, amended by engrossed ryder, as follows:

SECTION 12. *Be it further enacted*, That all and singular, the provisions of the foregoing act shall apply to the City Insurance company of Mobile, and that the president, directors and stockholders of said City Insurance company be authorized and empowered to do, and perform all and singular the acts, matters, and things in regard to said last named company, *mutatis mutandis*, that the said Mobile Marine Railway and Insurance company is authorized to do by this act; and said City Insurance company may consolidate the stock of said company under the said provisions, rules, and restrictions, as are by this act prescribed for said Mobile Marine Railway and Insurance company, and not otherwise; which was read the third time, and the bill passed.

The bill:

To authorize the judges of probate to pay justices of the peace and constables for their services, for prosecuting defaulting road hands, was read the third time, and lost.

The bill:

To secure the right of way to owners of swamp lands to drain the same, was read the third time; and,

On motion of Mr. Goode, laid on the table.

Yeas 49, nays 37.

Yeas—Messrs. Bell of Franklin, Bennett, Bradley, Brewer, Brown of Marion, Brown of Tuskalooza, Caldwell, Chamberlain, Clarke, Cloud, Cullum, Denman, Edwards, Espy, Eustace,



Goode, Griffin, Hale, Hammonds, Harris, Herndon, Higgins, Houston, Huckabee, Irby, Jackson, Johnston of Perry, Jones, Lesueur, Mabry, Martin of Talladega, McCall, Morgan, Murphree of Pike, Murphy of Henry, Neal, Parker, Reedus, Register, Reid, Scarborough, Scott, Smith of Jefferson, Staton, Stiff, Talley, Tait, Williamson and Wright—49.

Nays—Messrs. Adams, Aldridge, Baugh, Brock, Bulger, Calfee, Clayton, Colbert, Coleman, Dillard, Drummond, Echols, Flournoy, Holly, Jeter, Johnson of Tallapoosa, Kennedy, Little, Majors, Mardis, Martin of Dale, McGhee, McRae, Nabors, Nelson, Pynes, Richardson of Cherokee, Richardson of Monroe, Simpson, Slade, Smith of Coosa, Smith of Lauderdale, Smith of Randolph, Thompson, Walden, Warren and Weaver—37.

Message from the Senate, by Mr. Cain :

Mr. Speaker: The Senate has passed bills of the following titles :

Requiring witnesses to appear and testify before grand juries in certain cases therein designated ;

To regulate the manner and reduce the expense of advertising the settlements of administrators, executors and guardians ;

Joint resolutions in regard to foreign policy ;

To amend an act, approved February 3d, 1852, to incorporate the North Alabama College ;

To establish election precincts, and for other purposes ;

To ratify and confirm the lease of the trustees of the University of Alabama of the old State House, at Tuscaloosa.

To incorporate the Alabama Central Female College, at Tuscaloosa ;

For the relief of W. B. & A. R. Bell ; and,

Concurs in the amendment of the House to the bill to incorporate the city of Eufaula ;

To authorize Edward Stanley to lease the lands of his ward ;

To amend the charter of the Winchester and Alabama Railroad company, approved 25th January, 1856.

Mr. Williamson, from committee on Enrolled Bills, reported the bill for the relief of W. B. & A. R. Bell, as correctly enrolled.

The Senate bill :

To ratify and confirm the lease made by the trustees of the University of Alabama of the old State House, at Tuscaloosa, was read, and under a suspension of the constitutional rule—was read the second time, and referred to the committee on University.

The Senate bill :

To incorporate the Alabama Central Female College, in the

city of Tuscaloosa, was read first, second and third times, under suspension of the constitutional rule, and passed.

The Senate bills :

Requiring witnesses to appear and testify before grand juries in certain cases therein designated ;

To regulate the manner and reduce the expense of advertising the settlements of executors, administrators and guardians ;

To amend an act, approved 3d February, 1852, to incorporate the North Alabama College.

To establish election precincts, and for other purposes ; were severally read, and ordered to a second reading.

The joint resolutions, in relation to foreign affairs, was read, and referred to committee on Federal Relations.

The hour of 12 o'clock having arrived,

Mr. Irby moved that the House resolve into the committee of the whole House, to proceed with the consideration of the bill, to legalize the suspension of specie payments by the Central and Commercial Banks of Alabama, and to suspend the general orders.

Mr. Goode moved to lay the motion on the table.

Yeas 19, nays 60. Lost.

Yeas—Messrs. Bennett, Brock, Brown of Marion, Cullum, Espy, Goode, Lesueur, Nabors, Neal, Nelson, Pennington, Register, Reid, Richardson of Cherokee, Richardson of Monroe, Slade, Smith of Jefferson, Tait and Warren—19.

Nays—Messrs. Aldridge, Baskins, Bell of Talladega, Boatright, Bradley, Brewer, Browder, Bulger, Calfee, Caldwell, Chamberlain, Clarke, Clayton, Cloud, Colbert, Denman, Dillard, Drummond, Echols, Eustace, Flournoy, Griffin, Hale, Hammonds, Herndon, Hobbs, Houston, Irby, Jackson, Jeter, Johnson of Tallapoosa, Kennedy, Mabry, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Parker, Pynes, Reedus, Remson, Scott, Simpson, Smith of Coosa, Smith of Lauderdale, Smith of Randolph, Stiff, Talley, Thompson, Walden, Weaver, Williamson, Wood and Wright—60.

Mr. Bulger moved to reconsider the vote just taken. Lost.

The question was then upon a suspension of the general orders, and

The yeas were 59, nays 23.

Carried.

Yeas—Messrs. Baskins, Baugh, Bell of Talladega, Boatright, Bradley, Brewer, Brock, Browder, Caldwell, Chamberlain, Clarke, Clayton, Cloud, Colbert, Denman, Dillard, Echols, Edwards, Eustace, Flournoy, Griffin, Hale, Higgins, Herndon,

Hobbs, Houston, Irby, Jackson, Jeter, Johnson of Tallapoosa, Jones, Kennedy, Mabry, Majors, Martin of Dale, Martin of Talladega, McCall, McGhee, McRae, Molton, Morgan, Murphree of Pike, Pynes, Reedus, Remson, Scott, Simpson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Talley, Thompson, Walden, Warren, Weaver, Williamson, Wood and Wright—59.

Nays—Messrs. Bell of Franklin, Brown of Marion, Brown of Tuscaloosa, Cullum, Espy, Goode, Harris, Holly, Johnston of Perry, Lesueur, Mardis, Murphy of Henry, Nabors, Neal, Parker, Pennington, Register, Reid, Richardson of Cherokee, Richardson of Monroe, Slade, Smith of Jefferson, and Tait—23.

The House then resolved itself into the committee of the whole House, to proceed with the bill, to legalize the suspension of specie payments by the Central and Commercial Banks of Alabama.

After some time spent in deliberation thereon, the committee arose, and through their chairman, Mr. Irby, reported progress, and asked and obtained leave to set again, this afternoon at 3½ o'clock.

When the hour of 1½ o'clock arrived, and the House stood adjourned until 3 o'clock, P. M.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

And the Speaker, Mr. Jackson, being sick, the House was called to order by the clerk, when,

On motion of Mr. Wood, Mr. Smith, of Lauderdale, was made Speaker *pro. tem.*

On motion of Mr. Wood, the House resolved itself into the whole House, to proceed with the consideration of the bill to legalize the suspension of the specie payments of the Central and Commercial Banks of Alabama.

After some time spent in deliberation thereon, the committee arose, and through their chairman, Mr. Wood, reported progress, and asked and obtained leave to set again, to-morrow at 11 o'clock.

Leave of absence was granted to Mr McGhee.

Five o'clock having arrived, the House stood adjourned until 9½ o'clock, to-morrow.

TUESDAY, December 17th, 1857.

The House met pursuant to adjournment.

The journal was then read and approved.

Mr. Murphree, of Pike, moved to suspend the business before the House, to move the adoption of the rule offered by himself on yesterday.

Carried.

Mr. Jones moved to amend as follows: "except by two-thirds vote of this House.

Amendment adopted.

And the rule was then adopted.

#### CALL OF COUNTIES.

Bills were introduced by:

Mr. Parker: to consolidate the offices of tax collector and tax assessor in the county of Bibb; also,

To erect a toll-bridge across the Cahaba river;

Mr. Jeter: to authorize the Governor to issue a patent to Thos. S. Penn, of the county of Chambers;

Mr. Bennett: to repeal certain sections of an act therein named;

Mr. Mabry: two bills to amend the charter of the city of Selma;

Mr. Pynes: to amend section 1170 of the Code of Alabama;

Mr. Wood: to incorporate the town of Rodgersville, in the county of Lauderdale;

Mr. Clarke: for the relief of Robert W. McKelvey and Lucinda Spain;

Mr. Echols: to create an additional judicial circuit, and for other purposes; also,

To amend the 22d rule of chancery practice; also,

To amend section 2906 of the Code of Alabama;

Mr. Jones: to incorporate the Southern Insurance company of Mobile;

Mr. Chamberlain: for the relief of Richard T. Starr;

Mr. Drummond: to amend section 488 of the Code;

Mr. Herndon: to repeal section 5 of an act to incorporate the Northern Bank of Alabama; also,

To incorporate the Mobile Mechanics' Institute;

Mr. Molton: to incorporate the Mechanics' Hook and Ladder company of Montgomery;

Mr. Johnston, of Perry: to compensate Y. L. Royston;

Mr. Nabors: for the protection of mechanics;

Mr. Mardis: to repeal and substitute section 1922 of the Code of Alabama; also,

To repeal and substitute section 1930 of the Code; also.

To repeal and substitute section 1987 of the Code of Alabama; also,

To make Dicky Hewly, of the county of Shelby, a free dealer; also,

For the relief of Russell J. Allen, of the county of St. Clair; also,

To repeal and substitute section 1930 of the Code of Alabama; Mr. Houston: to repeal section 2806 of the Code, so far as relates to the county of Sumter; also,

To prevent breaches of the peace;

Authorizing justices of the peace to issue garnishments;

Mr. Martin, of Talladega: to extend the Fall term of the circuit court for Talladega county; which bills were severally read, and ordered to a second reading.

Mr. Bennett presented the petition of Mirriam J. Near; which was referred to committee on Propositions and Grievances.

Mr. Houston presented a petition; which was referred to committee on Propositions and Grievances.

Mr. Flournoy presented the petition of sundry citizens of Macon county; which was referred to select committee, composed of the delegation from Macon, Chambers, Russell and Tallapoosa counties.

Mr. Remson presented an account; which was referred to committee on Accounts and Claims.

Mr. Scarborough moved to reconsider the vote by which the bill to drain swamp lands, was laid on the table; when,

On motion of Mr. Irby, the further consideration of the motion was postponed until second Saturday in January next, at 11 o'clock.

#### SPECIAL ORDER.

Mr. Bennett moved to reconsider the vote by which the House adopted the rule this morning, taking up the general orders every evening at 3½ o'clock, P. M.

Mr. Nabors moved to lay the motion on the table.

Lost.

The motion was then reconsidered.

Mr. Wood moved to amend that it should take effect after the 8th of January.

Amendment adopted.

Resolution was then adopted.

Mr. Brewer moved to suspend business before the House, to make a report from select committee.

Carried.

Mr. Brewer reported a substitute for the bill, to regulate the time for holding the circuit courts of the first judicial district; which was adopted, and constitutional rule suspended, read third time, and passed, and ordered forthwith to the Senate.

Message from the Senate, by Mr. Cain :

Mr. Speaker : The Senate has passed bills of the following titles :

To extend the right of trial by jury before justices of the peace, amended the same ;

To incorporate the Marshall and Jackson Counties Railroad ; also,

House bill, making appropriations for the fiscal year 1858 and 1859, amended by Senate.

House concurred in said amendments.

Message from the Governor, by Mr. Stokes :

Mr. Speaker : The Governor has approved a bill which originated in the House, to authorize Edward R. Stanley, to lease the lands of his ward.

Message from the Senate :

Mr. Speaker : The Senate has passed,

A bill to change the time of holding the circuit courts in the fourth judicial circuit of the State of Alabama.

#### REPORT FROM THE JUDICIARY COMMITTEE.

Mr. Jones reported favorably to the bill to enable the administratrix on the estate of James L. Craig, deceased, to remove the administration to Tallapoosa county; which, under a suspension of the constitutional rule, was read the third time, passed, and ordered forthwith to the Senate.

Mr. Jones reported an amendment to amend section 3568 of the Code, in its application to the counties of Walker, Marshall, Blount and Marion, as follows: add at the end of first section "and are not detained by said subpoena longer than the day on which they are summoned;" which amendment was adopted, and the bill was then ordered to be engrossed.

Mr. Jones reported adversely to the bill to authorize the issuance of attachments in certain cases; also,

To the bill to authorize the execution of civil process by leaving a copy of the same at the residence of the defendant in certain cases; which reports were concurred in.

Mr. Jones reported adversely to the bill for the relief of Robt. C. Toumey, of Benton county.

Mr. Wright moved to lay the report on the table.

Carried.

Mr. Wright moved to lay the report on the table. Carried.

Mr. Caldwell moved to recommit the bill to the committee on Divorce and Alimony.

Carried.

Mr. Williamson, from the committee on Enrolled Bills, reported the following bills as correctly enrolled :

To authorize Edward R. Stanley to lease the lands of his ward.

To amend the charter of the Winchester and Alabama Railroad company, approved 25th of January, 1856;

For the relief of the estate of Albert Russell, deceased ;

On motion of Mr. Wood, the House resolved itself into the committee of the whole House, upon the bill to legalize the suspension of specie payments by the Central and Commercial Banks of Alabama ; when,

On motion of Mr. Martin, of Talladega, the committee rose, and reported.

First was lost.

Second, third, fifth and sixth amendments were adopted.

Fourth amendment being as follows :

*Be it further enacted*, That said Banks be required to give bond and security to the State, to be approved by the Governor, to the amount of their bills in possession of this State, conditioned that they will meet and discharge, in good faith, the provisions of this act, and failing to do so, be charged and required to pay in the said bills in the said possession, twelve per cent. interest, instead of eight per cent.

Mr. Mardis moved to lay the amendment on the table.

Yeas 21, nays 72.

Lost.

Yeas—Messrs. Speaker, Baskins, Bell of Franklin, Bulger, Chamberlain, Clarke, Drummond, Herndon, Hobbs, Jones, Mabry, Mardis, McCall, Molton, Morgan, Nelson, Remson, Richardson of Monroe, Still, Tait and Warren—21.

Nays—Messrs. Adams, Aldridge, Baugh, Bell of Talladega, Bennett, Boatright, Bradley, Brock, Brown of Marion, Brown of Tuskalooza, Calfee, Caldwell, Clayton, Cloud, Colbert, Coleman, Cullum, Denman, Echols, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Harris, Higgins, Holly, Houston, Huckabee, Irby, Jackson, Jeter, Johnston of Perry, Johnson of Tallapoosa, Kennedy, Lesueur, Majors, Martin of Dale, Martin of Talladega, McGhee, McRae, Murphree of Pike, Murphy of Henry, Nabors, Parker, Pennington, Pynes, Reedus, Register, Reid, Richardson of Cherokee, Scarborough, Scott, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of

Lauderdale, Smith of Randolph, Staton, Talley, Thompson, Warren, Weaver, Williamson, Wood and Wright—72.

Mr. Browder moved to amend the amendment, as follows: "that the Commercial and Central Banks shall not charge more than other banks in this State for exchange;" which was lost.

The amendment was then adopted.

Yeas 62, nays 26.

Yeas—Messrs. Baugh, Bell of Talladega, Bennett, Boatright, Bradley, Brock, Brown of Marion, Brown of Tuscaloosa, Calfee, Caldwell, Clayton, Cloud, Coleman, Cullum, Denman, Echols, Edwards, Espy, Eustace, Flournoy, Griffin, Hale, Hammonds, Harris, Higgins, Holly, Houston, Huckabee, Jackson, Johnston of Perry, Johnson of Tallapoosa, Kennedy, Lesueur, Majors, Martin of Dale, Martin of Talladega, McRae, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Pennington, Pynes, Reelus, Register, Reid, Richardson of Cherokee, Scott, Simpson, Slade, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Talley, Thompson, Warren, Weaver, Williamson, Wood and Wright—62.

Nays—Messrs. Speaker, Baskins, Bell of Franklin, Brewer, Browder, Bulger, Clarke, Chamberlain, Dillard, Drummond, Herndon, Hobbs, Irby, Jeter, Jones, Mabry, Mardis, McCall, Molton, Morgan, Nelson, Remson, Richardson of Monroe, Smith of Coosa, Smith of Lauderdale and Walden—26.

Mr. Bulger moved to amend the tenth section as follows:

"That the bills of the said Central and Commercial Banks, shall be received in payment of all public dues during the time for which their suspension is legalized, or until proceedings are commenced against them for a non-compliance with the requirements of this act.

Mr. Staton moved the following amendment as a substitute for the above:

"That tax collectors be, and they are authorized to take the bills of the banks of the Commercial and Central Banks in payment of taxes: *Provided*, That the bills of said Central and Commercial Banks shall not be received in payment of taxes, or other debts to the State of Alabama, unless the said Banks shall comply with the conditions required in section — of this act; and upon their compliance therewith, it shall be the duty of the comptroller of public accounts to give public notice thereof; which,

On motion of Mr. Flournoy, was laid on the table.

Yeas 56, nays 27.

Yeas—Messrs. Aldridge, Allen, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brewer, Brown of Tuscaloosa, Bul-



ger, Clarke, Colbert, Denman, Dillard, Drummond, Echols, Espy, Flournoy, Hale, Hammonds, Harris, Hobbs, Holly, Houston, Huckabee, Irby, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Lesueur, Mabry, Mardis, Martin of Dale, McGhee, McRae, Molton, Murphy of Henry, Nabors, Pennington, Reedus, Register, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Sheffield, Simpson, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Stiff, Talley, Thompson, Warren and Weaver—56.

Nays—Messrs. Speaker, Adams, Baugh, Brock, Brown of Marion, Calfee, Caldwell, Chamberlain, Edwards, Eustace, Goode, Griffin, Higgins, Majors, Martin of Talladega, Murphree of Pike, Murphy of Henry, Parker, Reid, Remson, Slade, Staton, Tait, Walden, Williamson, Wood and Wright—27.

Mr. Smith, of Randolph, offered the following as a substitute for the amendment of Mr. Bulger :

*Be it further enacted,* That from and after the aforesaid banks respectively, shall give the bond required by a previous section of this act, the bills or notes of each of said banks shall be receivable for all taxes and other public dues during their suspension, until proceedings shall be instituted against them for some failure to comply with the provisions of this act, or for some violation of this act, or of their charters; and the Governor shall give public notice in some newspaper in Montgomery, as soon as the aforesaid bonds may be given of the fact that they have been given, and that said Banks be required on the first day of January, 1858, to give bond and security in such amount as the Governor may require, conditional for the redemption of their respective bills then in the treasury, on the first day of November, 1858, or as soon thereafter as the Governor of the State may demand the same: *Provided,* That every tax collector paying into the treasury any bills of either of said Banks, shall make affidavit in writing, sworn to before some officer authorized to administer oaths, stating the total amount of such bills proposed to be paid into the treasury by him, and stating that he collected the same at par from tax payers, and did not receive or buy the same at a discount, and shall file such affidavit in the treasurers' office, and if any tax collector shall swear falsely in making such affidavit, he shall be deemed guilty of perjury.

Mr. Bulger moved to lay the substitute on the table.

Mr. Brown, of Marion, moved to indefinitely postpone the bill and amendments.

Yeas 11, nays 73.

Motion lost.

Yeas—Messrs. Brown of Marion, Goode, Lesueur, Nabors,

Pennington, Reid, Richardson of Cherokee, Richardson of Monroe, Slade, Smith of Jefferson, and Tait—11.

Nays—Messrs. Speaker, Adams, Aldridge, Allen, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brewer, Brock, Browder, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Clarke, Cloud, Colbert, Denman, Dillard, Echols, Edwards, Eustace, Flournoy, Griffin, Hale, Hammonds, Harris, Higgins, Herndon, Hobbs, Houston, Huckabee, Irby, Jackson, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, McGhee, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Parker, Pynes, Reedus, Register, Remson, Scarborough, Scott, Sheffield, Simpson, Smith of Coosa, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Talley, Thompson, Walden, Warren, Weaver, Williamson, Wood and Wright—73.

When the hour of 1½ o'clock arrived, and the House stood adjourned until 3¼ o'clock, P. M.

#### AFTERNOON SESSION.

House met pursuant to adjournment, and under a suspension proceeded to consider the following bills:

The bill:

Making appropriations for the fiscal year of 1858 and 1859, was amended by the Senate, and the House concurred in said amendment.

The Senate bill:

To authorize L. V. Underwood to hire out the slaves of his wards in certain counties in Mississippi, was read the third time, and passed.

The Senate bill:

To regulate the endorsement of the bonds of the Alabama & Florida Railroad company, by the Montgomery and West Point Railroad company; which was read the first time, and under the suspension of the constitutional rule, was read the second and third times, and passed.

The general orders were then suspended.

Leave of absence was then granted to Messrs. Kennedy, and Brown, of Tuskalooza.

House then resumed the consideration of the bill to legalize the suspension of specie payments by the Central and Commercial Banks of Alabama.

The question being upon the motion of Mr. Bulger to lay the substitute of Mr. Smith, of Randolph, on the table.

Lost.

Yeas 28, nays 49.

Yeas—Messrs. Speaker, Allen, Baskins, Bell of Talladega, Bulger, Clarke, Clayton, Dillard, Echols, Edwards, Griffin, Herndon, Jeter, Johnson of Tallapoosa, Jones, Mardis, Martin of Dale, Molton, Pynes, Register, Remson, Sheffield, Simpson, Smith of Coosa, Smith of L., Staton, Tait and Walden—28.

Nays—Messrs. Adams, Baugh, Bell of Franklin, Bennett, Bradley, Brewer, Brown of Marion, Caldwell, Chamberlain, Cloud, Cullum, Denman, Drummond, Espy, Eustace, Flournoy, Goode, Hale, Hammonds, Harris, Hobbs, Holly, Houston, Irby, Jackson, Johnston of Perry, Lesueur, Majors, Martin of Talladega, McGhee, McRae, Morgan, Nabors, Parker, Pennington, Reedus, Reid, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Slade, Smith of Jefferson, Smith of Randolph, Thompson, Warren, Weaver, Williamson and Wood—49.

Mr. Brown, of Marion, moved to postpone the whole subject until the 8th day of January, 1858.

Lost.

The question then being upon the amendment of Mr. Smith, of Randolph, which was adopted as a substitute.

Yeas 62, nays 21.

Yeas—Messrs. Adams, Aldridge, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Bradley, Brewer, Brown of Marion, Caldwell, Chamberlain, Cullom, Denman, Echols, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Harris, Higgins, Hobbs, Holly, Houston, Irby, Jackson, Jeter, Johnston of Perry, Lesueur, Mabry, Majors, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphree of Pike, Nabors, Parker, Pennington, Reedus, Reid, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Sheffield, Slade, Smith of Jefferson, Smith of Randolph, Staton, Talley, Tait, Thompson, Warren, Weaver, Williamson Wood and Wright—62.

Nays—Messrs. Speaker, Allen, Baskins, Boatright, Browder, Bulger, Clarke, Clayton, Cloud, Dillard, Herndon, Jones, Mardis, Martin of Dale, Pynes, Register, Remson, Simpson, Smith of Coosa, Smith of Lauderdale and Walden—21.

Mr. Drummond moved to lay the amendment of Mr. Smith on the table.

Which under the decision of the Speaker, was ruled out of order, upon the ground that the motion to lay the substitute before its adoption upon the table, had been taken, from which decision Mr. Drummond appealed to the House.

The decision of the chair was the decision of the House.

The rule requiring the House to adjourn at 5 o'clock, on motion of Mr. Wood, was suspended.

Yeas 60, nays 14.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Baugh, Bell of Talladega, Boatright, Brewer, Browder, Brown of Marion, Bulger, Caldwell, Chamberlain, Clarke, Clayton, Cloud, Colbert, Cullum, Denman, Dillard, Drummond, Echols, Edwards, Espy, Eustace, Flournoy, Griffin, Hale, Hammonds, Harris, Higgins, Herndon, Hobbs, Houston, Jackson, Jeter, Johnson of Tallapoosa, Jones, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, McGhee, McRae, Molton, Morgan, Murphree of Pike, Parker, Pynes, Reedus, Register, Scarborough, Scott, Sheffield, Simpson, Smith of Coosa, Smith of Lauderdale, Smith of Randolph, Talley, Thompson, Walden, Williamson, Wood and Wright—60.

Nays—Messrs. Bell of Franklin, Goode, Johnston of Perry, Lesueur, Nabors, Pennington, Reid, Richardson of Cherokee, Richardson of Monroe, Slade, Smith of Jefferson, Tait, Warren and Weaver—14.

The question being upon the adoption of the amendment, of Mr. Smith of Randolph, to the bill.

And the same was adopted.

Yeas 66, nays 15.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Baugh, Bell of Talladega, Boatright, Bradley, Brewer, Bulger, Calfee, Caldwell, Chamberlain, Clarke, Coleman, Denman, Dillard, Echols, Edwards, Eustace, Flournoy, Goode, Griffin, Hale, Higgins, Hobbs, Holly, Houston, Jeter, Johnston of Perry, Johnson of Tallapoosa, Lesueur, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, McGhee, McRae, Molton, Nabors, Parker, Pennington, Pynes, Reedus, Register, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Sheffield, Simpson, Smith of Coosa, Smith of Jefferson, Smith of Randolph, Staton, Talley, Thompson, Warren, Weaver, Williamson and Wright—66.

Nays—Messrs. Bell of Franklin, Browder, Brown of Marion, Clayton, Drummond, Espy, Harris, Herndon, Irby, Jones, Slade, Smith of Lauderdale, Tait, Walden and Wood—15.

Mr. Wood moved the previous question, which was sustained.

Yeas 45, nays 39.

Yeas—Messrs. Adams, Aldridge, Bell of Talladega, Bennett, Boatright, Brewer, Browder, Caldwell, Chamberlain, Clarke, Clayton, Cloud, Colbert, Denman, Dillard, Echols, Edwards, Flournoy, Griffin, Herndon, Hobbs, Jackson, Jeter, Jones, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, Mc-

Ghee, McRae, Molton, Morgan, Pynes, Reedus, Remson, Scarborough, Sheffield, Smith of Coosa, Smith of Lauderdale, Staton, Thompson, Walden, Williamson, Wood—45.

Nays—Messrs. Speaker, Allen, Baugh, Bell of Franklin, Bradley, Brown of Marion, Bulger, Cullum, Drummond, Espy, Eustace, Goode, Hale, Hammonds, Harris, Higgins, Holly, Houston, Irby, Jackson, Johnston of Perry, Johnson of Tallapoosa, Lesueur, Mabry, Nabors, Parker, Pennington, Reid, Richardson of Cherokee, Richardson of Monroe, Scott, Simpson, Slade, Smith of Jefferson, Smith of Randolph, Talley, Tait, Warren, Weaver and Wright—39.

Mr. Goode moved a call of the House.

Lost.

Yeas 8, nays 70.

Yeas—Messrs. Brown of Marion, Cullum, Drummond, Harris, Higgins, Johnston of Perry, Lesueur, Pynes, Richardson of Monroe and Slade—8.

Nays—Messrs. Speaker, Adams, Aldridge, Allen, Baugh, Bell of Talladega, Bennett, Bradley, Brewer, Bulger, Calfee, Caldwell, Chamberlain, Clarke, Clayton, Cloud, Colbert, Denman, Dillard, Echols, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Herndon, Hobbs, Holly, Houston, Irby, Jackson, Jeter, Johnson of Tallapoosa, Jones, Mabry, Majors, Mardis, Martin of Dale, McGhee, McRae, Molton, Morgan, Murphree of Pike, Parker, Pynes, Pennington, Reedus, Register, Reid, Remson, Richardson of Cherokee, Scarborough, Scott, Sheffield, Simpson, Smith of Jefferson, Smith, of Lauderdale, Smith of Randolph, Staton, Talley, Tait, Thompson, Walden, Warren, Weaver, Williamson, Wood and Wright—70.

Mr. Goode moved to reconsider the vote by which the House refused to make a call of the House.

Mr. Morgan moved to lay that motion on the table.

Carried.

Yeas 52, nays 15.

Yeas—Messrs. Speaker, Adams, Allen, Baugh, Bell of Talladega, Boatright, Bradley, Brewer, Calfee, Caldwell, Chamberlain, Clarke, Clayton, Cloud, Denman, Dillard, Echols, Edwards, Eustace, Flournoy, Griffin, Higgins, Herndon, Hobbs, Holly, Jackson, Johnson of Tallapoosa, Jones, Mabry, Majors, Mardis, Martin of Dale, McCall, McRae, Molton, Morgan, Murphree of Pike, Pynes, Reedus, Register, Remson, Scarborough, Scott, Sheffield, Smith of Coosa, Smith of Lauderdale, Smith of Randolph, Thompson, Walden, Weaver, Williamson, Wood and Wright—52.

Nays—Messrs. Bell of Franklin, Brown of Marion, Cullum,

Drummond, Goode, Houston, Lesueur, Nabors, Parker, Pennington, Reid, Richardson of Cherokee, Slade, Smith of Jefferson and Tait—15.

Mr. Warren moved an additional rule to the rules of the House; which lays over one day under the rule of the House.

The question being upon ordering the bill to be engrossed for a third reading on to-morrow.

Yeas 53, nays 33.

Yeas—Messrs. Speaker, Adams, Allen, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Browder, Calfee, Caldwell, Chamberlain, Clarke, Clayton, Cloud, Colbert, Denman, Dillard, Echols, Edwards, Flournoy, Griffin, Herndon, Hobbs, Irby, Jackson, Jeter, Johnson of Tallapoosa, Jones, Mabry, Mar-  
dis, Martin of Dale, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphree of Pike, Pynes, Reedus, Register, Remson, Scarborough, Sheffield, Simpson, Smith of Coosa, Smith of Randolph, Staton, Thompson, Walden, Williamson and Wood—53.

Nays—Messrs. Baugh, Bell of Franklin, Brown of Marion, Bulger, Cullum, Drummond, Espy, Eustace, Goode, Hale, Hammonds, Harris, Higgins, Holly, Houston, Johnston of Perry, Lesueur, Majors, Nabors, Parker, Pennington, Reid, Richardson of Cherokee, Richardson of Monroe, Scott, Slade, Smith of Jefferson, Smith of Lauderdale, Talley, Tait, Warren, Weaver and Wright—33.

The bill was then ordered to be engrossed.

The House then adjourned until to-morrow morning at 9½ o'clock.

FRIDAY, December 18th, 1857.

The House met pursuant to adjournment.

On motion of Mr. Echols, the reading of the journal was dispensed with.

Mr. Echols moved to suspend the business before the House, for the purpose of introducing a resolution.

Mr. Goode moved to lay the motion on the table.

Carried.

Mr. Wood moved to suspend the business before the House to take from the calendar the bill to legalize the suspension of specie payments by the Central and Commercial Banks of Alabama.

The bill was then read the third time.

Mr. Molton called the previous question on the bill; which was sustained.

Yeas 43, nays 38.

Yeas—Messrs. Adams, Aldridge, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Browder, Calfee, Caldwell, Clarke, Clayton, Cloud, Denman, Dillard, Echols, Edwards, Flournoy, Griffin, Herndon, Hobbs, Jackson, Jeter, Jones, Mardis, Martin of Dale, Martin of Talladega, McRae, Molton, Murphree of Pike, Murphy of Henry, Morgan, Pynes, Register, Simpson, Smith of Coosa, Smith of Randolph, Thompson, Walden, Weaver, Williamson and Wood—43.

Nays—Messrs. Speaker, Allen, Baugh, Bell of Franklin, Brown of Marion, Chamberlain, Cullum, Drummond, Espy, Eustace, Goode, Hale, Hammonds, Harris, Higgins, Holly, Houston, Huckabee, Irby, Johnston of Perry, Lesueur, Majors, Mabry, Nabors, Nelson, Parker, Pennington, Reid, Remson, Richardson of Cherokee, Richardson of Randolph, Scarborough, Scott, Slade, Smith of Jefferson, Tait, Warren and Wright—38.

The question then being upon the passage of the bill.

Yeas 49, nays 33.

The bill passed.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Browder, Calfee, Caldwell, Chamberlain, Clarke, Clayton, Cloud, Denman, Dillard, Echols, Edwards, Flournoy, Griffin, Herndon, Hobbs, Jackson, Jeter, Johnston of Perry, Jones, Mabry, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphree of Pike, Register, Remson, Scarborough, Scott, Simpson, Smith of Coosa, Smith of Randolph, Talley, Thompson, Walden, Weaver, Williamson and Wood—49.

Nays—Messrs. Baugh, Bell of Franklin, Brown of Marion, Bulger, Cullum, Drummond, Espy, Eustace, Goode, Hale, Hammonds, Harris, Higgins, Holly, Houston, Huckabee, Irby, Lesueur, Majors, Murphy of Henry, Nabors, Nelson, Parker, Pennington, Pynes, Reid, Richardson of Cherokee, Richardson of Monroe, Slade, Smith of Jefferson, Tait, Warren and Wright—33.

Mr. Bennett moved to reconsider the vote by which the bill had just been passed, and to lay that motion on the table.

Carried.

Yeas 51, nays 29.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Bell of Talladega, Bennett, Bradley, Brewer, Browder, Bulger, Calfee, Caldwell, Chamberlain, Clarke, Clayton, Cloud, Denman, Dillard, Echols, Edwards, Flournoy, Griffin, Higgins, Herndon, Hobbs, Jackson, Jeter, Mabry, Mardis, Martin of Dale, McCall, McGhee, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Pynes, Register, Remson, Scarborough, Simpson,

Smith of Coosa, Smith of Randolph, Talley, Thompson, Walden, Weaver, Williamson and Wood—51.

Nays—Messrs. Baugh, Bell of Franklin, Brown of Marion, Cullum, Drummond, Espy, Eustace, Goode, Hale, Hammonds, Harris, Higgins, Holly, Houston, Huckabee, Lesueur, Majors, Nabors, Nelson, Parker, Pennington, Reid, Richardson of Cherokee, Richardson of Monroe, Slade, Smith of Jefferson, Tait, Warren and Wright—29.

On motion of Mr. Mardis, the bill was ordered forthwith to the Senate

Mr. Williamson, from the Enrolled committee, reported the the bill to change the time of holding the circuit court in the 4th judicial circuit of the State of Alabama, as correctly enrolled.

Mr. Speaker: The Senate has passed bills from the House of the following titles:

For the relief of Catherine J. Reid;

For the relief of Miriam M. Rattenberry;

To divorce Elizabeth Elliott from her husband, Robert Elliott, and to divorce other persons therein named, &c.;

To regulate the chancery courts for the counties of Franklin and Lauderdale; which originated in the Senate;

For the relief of Matilda Street, and for other purposes;

To change the time of holding the circuit court of Montgomery;

To regulate the time of holding the chancery courts in the counties of Barbour and Sumter;

To abolish the December term of the chancery court in Marengo county;

A bill from the House to regulate the time of holding the circuit courts 1st judicial circuit;

To enable the administratrix on the estate of James L. Codley, deceased, to remove the administration to Tallapoosa county;

To regulate the time of holding the circuit courts of the 1st judicial circuit;

To pay Given & Elsberry for the rent of a room for an arsenal;

To legalize the suspension of the Commercial Bank and Central Bank of Alabama;

To abolish the December term of the chancery court in Marengo county;

Joint resolutions to illuminate the capitol on the 8th day of January, 1858;

For the relief of Wm. T. Webb, and his securities;

To authorize the magistrates in beats Nos. 4 and 5, of Montgomery, to appoint special constables in said beats.

Message from the Governor, by Mr. Stokes:

The Governor has approved the following bills:



An act to regulate the time of holding the circuit courts of the first judicial circuit;

An act to abolish the December term of the circuit court of Marengo county;

An act to change the time of holding the circuit courts in the 4th judicial circuit, in the State of Alabama;

An act to amend the charter of the Winchester and Alabama Railroad company, approved 25th January, 1856;

An act for the relief of the estate of Albert Russell, deceased;

An act to regulate the time of holding the circuit courts in the 1st judicial circuits;

An act to abolish the December term of the chancery court in Marengo county.

Leave of absence was then granted to various members of the legislature.

#### PROTEST.

The undersigned voted for the bill to legalize the suspension of specie payments by the Central and Commercial Banks, not because that bill contained all the restrictions they desired, but, because having no alternative but to vote for or against that bill as it then read, they believed the necessities of the people required them so far to compromise their individual views as to vote for it, rather than that such suspension be not legalized.

GEO. D. JOHNSTON,

H. D. CLAYTON,

S. S. SCOTT,

JOHN C. McRAE.

The undersigned endorses the above, and also says he voted for the bill to legalize the suspension of specie payment by the Central and Commercial Banks, for the reasons that the debts of the people, contracted under the present banking system, are so great that any material contraction of that system would at present be very injurious, and although we might be in favor of the exclusive use of a specie currency when circumstances will justify it, still, as from surrounding circumstances, the people are compelled to use a paper currency, it is certainly better to have banks of our own, than to depend upon banks of other States. I am in favor of receiving nothing but specie in the State treasury when the present panic passes off.

M. A. BROWDER,

The House of Representatives having under consideration a bill to legalize the suspension of specie payments by the Central and Commercial Banks of Alabama, the undersigned voted against ordering the same to a third reading, and now here is his plain protest against said bill:

Because it is contrary to the policy of this State, and detrimental to the interests of the people to permit a bank to put in circulation a currency which is not at par in all parts of the State, but which, on the contrary, is uniformly depreciated at its own great commercial emporium; and the experience of the past having shown that the bills of these banks have ever been, since their issuance, at a discount in the city of Mobile, and so permitted to be by said banks, without any effort on their part, (known to the public) to place them at par in that city.

This protestant cannot resist the conclusion that such depreciation was permitted, if not promoted by the banks, to enable them to speculate on the people.

In view of these facts, it was the duty of this legislature, as protestant insists, since these banks have forfeited their respective charters, by the suspension of specie payments, and thereby placed themselves under the power of this body to have thrown such restrictions around them as a condition upon which such suspension should be legalized, as would effectually secure the people from the evils of a depreciated currency, and prevent the banks from reaping the fruits of their own wrong, and the bill under consideration failing to put any such restriction upon these banks, the undersigned was constrained to vote against it.

Because the undersigned had, when the said bill was under discussion in the committee of the whole House, offered an amendment in the following words:

*“And be it further enacted,* That all notes, bonds, bills of exchange, or drafts purchased or discounted by either of said banks, or the agent or agents of either of said banks, or given to secure a loan from either of said banks, whether such note, bond, bill of exchange, or draft, be payable at the counter of such bank, or at any other place in the State of Alabama, may be paid off and discharged with the bills of the bank, with which, or the agent of which, the same was negotiated, and such bills shall be taken at par in the payment thereof;” which amendment had been fully discussed in said committee, but the friends of the bill prevented the same from being offered in the House, by the operation of the previous question, and thereby prevented any expression of the sense of the House.

This protestant insists that said amendment was just in itself, that it only requires the banks to do what every honest man

should be willing to do ; that is, to take their own paper in payment of their own debts, and prevent them from throwing into circulation a depreciated currency, and collecting from the people in lieu thereof, gold and silver, or their equivalent. For these reasons, and because said amendment was not allowed to be offered and engrafted in said bill, the undersigned protest against the same as unjust in itself and oppressive on the people, and respectfully asks leave to spread this, his protest, upon the journals of this House.

S. F. HALE.

We, the undersigned, representatives, fully concur in the above protest :

Z. F. NABORS,  
 F. E. RICHARDSON,  
 J. W. PENNINGTON,  
 JAS. B. SLADE,  
 FELIX TAIT,  
 R. F. HOUSTON,  
 JERE. WARREN,  
 JAS. J. GOODE,  
 N. B. LESUEUR,  
 O. S. SMITH,  
 ROBERT PARKER,  
 KIMBRO T. BROWN,  
 WILLIAM REID,  
 ALFRED HOLLY,  
 J. B. TALLEY,  
 J. S. EUSTACE,  
 R. D. HUCKABEE,  
 A. CULLUM,  
 J. J. BAUGH,  
 H. F. HAMMOND,  
 J. H. WRIGHT,  
 JAS. MURPHY,  
 W. R. RICHARDSON,  
 THOS. ESPY,  
 A. W. MAJORS.

Joint resolution to illuminate the Capitol, was then read and adopted.

The Senate bill :

To sanction the suspension of specie payments by the Central and Commercial Banks of Alabama, was read the first time ; when,

Mr. Johnston, of Perry, moved to lay the bill on the table:

Lost.

Yeas 34, nays 40.

Yeas—Messrs. Baugh, Bell of Franklin, Brown of Marion, Cullum, Denman, Drummond, Eustace, Goode, Hale, Harris, Holly, Houston, Huckabee, Johnston of Perry, Lesueur, Mardis, Murphy of Henry, Nabors, Nelson, Parker, Pennington, Reedus, Reid, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Slade, Smith of Jefferson, Smith of Randolph, Tait, Warren, Weaver and Wright—34.

Nays—Messrs. Speaker, Adams, Baskins, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Browder, Calfee, Caldwell, Cary, Chamberlain, Clarke, Clayton, Cloud, Dillard, Echols, Edwards, Espy, Flournoy, Griffin, Herndon, Hobbs, Irby, Jackson, Jeter, Jones, Martin of Dale, McGhee, McRae, Molton, Morgan, Murphree of Pike, Pynes, Remson, Smith of Coosa, Thompson, Walden, Williamson and Wood—40.

Mr. Wood moved to suspend the constitutional rule.

Lost.

Yeas 40, nays 37.

Yeas—Messrs. Speaker, Adams, Allen, Baskins, Bell of Talladega, Boatright, Bradley, Browder, Bulger, Calfee, Caldwell, Chamberlain, Clarke, Clayton, Dillard, Drummond, Echols, Flournoy, Griffin, Herndon, Jackson of Franklin, Jeter, Johnson of Tallapoosa, Jones, Martin of Dale, Martin of Talladega, McCall, McGhee, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Pynes, Remson, Simpson, Smith of Coosa, Walden, Williamson, Wood—40.

Nays—Messrs. Baugh, Bell of Franklin, Brown of Marion, Cullum, Denman, Espy, Eustace, Goode, Hale, Hammonds, Harris, Holly, Houston, Huckabee, Johnston of Perry, Lesueur, Mabry, Majors, Mardis, Nabors, Nelson, Parker Pennington, Reid, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Slade, Smith of Jefferson, Smith of Randolph, Talley, Tait, Thompson, Warren, Weaver, Wright—37.

Mr. Wood moved to suspend the business before the House to introduce a resolution.

Mr. Pennington moved to lay the motion on the table.

Carried.

Yeas 41, nays 36.

Yeas—Messrs. Baugh, Bell of Franklin, Bell of Talladega, Browder, Chamberlain, Clayton, Cullum, Drummond, Espy, Eustace, Goode, Hale, Hammonds, Harris, Holly, Houston, Huckabee, Jackson, Johnston of Perry, Lesueur, Mardis, Martin of Dale, McGhee, McRae, Murphy of Henry, Nabors, Nelson, Par-

ker, Pennington, Pynes, Reedus, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Slade, Smith of Jefferson, Tait, Warren, Weaver—41.

Nays—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Boatright, Bradley, Bulger, Calfee, Caldwell, Clarke, Denman, Dillard, Echols, Edwards, Flournoy, Griffin, Herndon, Jeter, Johnson of Tallapoosa, Jones, Mabry, Martin of Talladega, McCall, Molton, Morgan, Murphree of Pike, Simpson, Smith of Coosa, Smith of Randolph, Talley, Thompson, Walden, Williamson, Wood, Wright—36.

Mr. Clarke moved to suspend the business before the House to introduce a resolution.

Mr. Nabors moved to lay the motion on the table.

Carried.

Yeas 36, nays 35.

Yeas—Messrs. Baugh, Bell of Franklin, Brown of Marion, Cullum, Drummond, Espy, Eustace, Goode, Hale, Hammonds, Harris, Higgins, Houston, Huckabee, Irby, Jackson, Johnston of Perry, Lesueur, Mardis, McRae, Murphy of Henry, Nabors, Nelson, Parker, Pennington, Pynes, Reid, Richardson of Monroe, Slade, Smith of Jefferson, Smith of Randolph, Talley, Tait, Warren, Weaver, Wright—36.

Nays—Messrs. Speaker, Adams, Aldridge, Allen, Bell of Talladega, Boatright, Brewer, Browder, Bulger, Calfee, Caldwell, Clarke, Denman, Dillard, Echols, Edwards, Flournoy, Griffin, Herndon, Hobbs, Jeter, Johnson of Tallapoosa, Jones, Martin of Dale, McCall, Molton, Morgan, Murphree of Pike, Remson, Richardson of Cherokee, Simpson, Smith of Coosa, Walden, Williamson, Wood—35.

The hour of 12 o'clock having arrived, on motion of Mr. Wood, the general orders were suspended.

The bill was ordered to a second reading on to-morrow.

The Senate bill for the relief of Matilda Street, and for other purposes, was read the first time, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Senate bill to change the time of holding the circuit court of Montgomery county was read, and under a suspension of the constitutional rule, was read the second time, and referred to joint committee to re-district the State.

Senate bill to regulate the time of holding the chancery courts in the counties of Barbour and Sumter was read and ordered to a second reading.

Senate bill to regulate the chancery courts of the counties of

Franklin and Lauderdale was read and ordered to a second reading.

Senate bill to pay Given & Ellsberry for the rent of a room for arsenal, was read first, second and third times under a suspension of the constitutional rule and passed.

The Senate bill for the relief of C. T. Pollard and others, was read the third time and passed.

Yeas 53, nays 11.

Yeas—Messrs. Speaker, Bell of Talladega, Boatright, Brown of Marion, Bulger, Caldwell, Clarke, Clayton, Denman, Dillard, Edwards, Eustace, Flournoy, Goode, Harris, Herndon, Houston, Huckabee, Irby, Jackson, Johnston of Perry, Jones, Lesueur, Mardis, Martin of Dale, Martin of Talladega, McCall, McGhee, McRae, Molton, Morgau, Murphree of Pike, Murphy of Henry, Nelson, Parker, Pennington, Pynes, Reedus, Register, Reid, Remson, Richardson of Monroe, Scott, Slade, Smith of Coosa, Smith of Jefferson, Smith of Randolph, Talley, Tait, Thompson, Walden, Weaver, Wood—53.

Nays—Messrs. Bennett, Brewer, Drummond, Espy, Higgins, Holly, Johnson of Tallapoosa, Majors, Richardson of Cherokee, Scarborough, Williamson—11.

Mr. Warren moved to suspend the business before the House to call up the resolutions offered by himself yesterday—Lost.

Mr. Hale moved to suspend the general orders to reconsider the vote by which the House laid the motion of Mr. Clarke, to suspend the business before the House, on the table.

Reconsidered.

Mr. Bennett moved to adjourn.

Lost.

Yeas 23, nays 48.

Yeas—Messrs. Speaker, Aldridge, Bell of Talladega, Bennett, Browder, Denman, Espy, Eustace, Goode, Holly, Jeter, Majors, Martin of Dale, Murphy of Henry, Nelson, Parker, Pynes, Register, Remson, Richardson of Cherokee, Smith of Coosa, Smith of Randolph, Weaver—23.

Nays—Messrs. Adams, Allen, Bell of Franklin, Bradley, Brewer, Brown of Marion, Bulger, Calfee, Caldwell, Chamberlain, Clarke, Clayton, Cullum, Dillard, Drummond, Echols, Flournoy, Griffin, Hale, Harris, Higgins, Herndon, Houston, Huckabee, Irby, Jackson, Johnson of Perry, Johnston of Tallapoosa, Jones, Lesueur, Mabry, Mardis, McGhee, McRae, Molton, Morgan, Nabors, Pennington, Richardson of Monroe, Scarborough, Scott, Sheffield, Simpson, Slade, Talley, Thompson, Walden, Williams, Wood—48.

On motion of Mr. Wood, the general orders were suspended

to take up bill to incorporate the Society Hill High School, which was read, and the constitutional rule being suspended was read the second and third times and passed.

The House bill to authorize the administratrix of the will of Abram Burke to remove the administration and property from the county of Coffee to the county of Barbour, which was passed, and ordered to be sent to the Senate.

The Senate bill to accept a grant of lands to the State of Alabama, and to carry into execution the trust conferred on the State of Alabama, by an act of Congress, entitled an act granting public lands, in alternate sections, to the States of Alabama and Florida, to aid in the construction of certain railroads in said States, approved 17th May, 1856, was read first, second and third times, under suspension of constitutional rule, and passed.

The bill to divorce Elizabeth Elliott, from her husband, Robt. Elliot, and to divorce other persons therein named, was amended by the Senate, and the House concurred in said amendment.

The House bill :

To except the grant and carry into execution the trust conferred upon the State of Alabama, by an act of Congress, entitled an act, granting public lands in alternate sections to the State of Alabama, to aid in the construction of certain railroads, in said State, approved third of January, 1856, was read the third time and passed, and ordered to the Senate.

Mr. Williamson, from the committee on Enrolled Bills, reported the following as correctly enrolled :

To regulate the time of holding the circuit courts of the first judicial circuit ; also,

To abolish the December term of the chancery court, of Marengo county ; also,

To authorize magistrates in beats number, 4 and 5, of Montgomery county, to appoint constables for said beats ; also,

To legalize the suspension of specie payments by the Central and Commercial Banks of Alabama.

When the House adjourned until half past 3 o'clock, P. M.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

On motion of Mr. Drummond the roll was called, and the following members answered to their names :

Messrs. Speaker, Adams, Allen, Baskins, Boatright, Bradley, Brewer, Brown of Marion, Bulger, Caldwell, Clarke, Chamberlain, Clayton, Cullum, Dillard, Drummond, Echols, Edwards, Espy, Eustace, Hammonds, Higgins, Holly, Houston, Irby, Jeter,

Johnston of Perry, Johnson of Tallapoosa, Mabry, Majors, Mardis, Martin of Talladega, Molton, Morgan, Nelson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Slade, Smith of Jefferson, Smith of Randolph, Thompson, Walden, Warren, Weaver and Williamson—46.

And, on motion, the House adjourned till half past 9 o'clock, to-morrow morning.

SATURDAY, December 19th, 1857.

House met pursuant to adjournment.

On motion of Mr. Hobbs, the roll was called, when the following members answered to their names :

Messrs. Speaker, Adams, Allen, Baskins, Bell of Franklin, Boatright, Bradley, Brown of Marion, Bulger, Chamberlain, Clarke, Denman, Dillard, Drummond, Echols, Espy, Eustace, Hammonds, Higgins, Hobbs, Holly, Houston, Irby, Johnson of Tallapoosa, Mabry, Martin of Talladega, Molton, Morgan, Murphree, Nelson, Richardson of Monroe, Scott, Slade, Smith of Jefferson, Smith of Randolph, Thompson, Weaver, Williamson and Wright—38.

When on motion of Mr. Irby,

The House adjourned until 11 o'clock, on the 8th day of January, 1858.

FRIDAY, January 8th, 1858.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Shaver.

The journal of Friday and Saturday, was read and approved.

Mr. Speaker laid before the House a record of divorce; which was referred to the committee on Divorce and Alimony; also,

Laid before the House a communication from Geo. F. Sallie; which was referred to the committee on Federal Relations.

The House then proceeded to consider the special orders, being the bills :

To repeal an act entitled an act to repeal in part an act to amend the charter of the Northern Bank of Alabama, at Huntsville; when the first bill, on motion of Mr. Scott, was made the special order for Wednesday, the 13th, at 11 o'clock.

The second bill was postponed, on motion of Mr. Wood, until Monday, 11th, and made the special order for the hour of 11 o'clock.

The third special order, being the bill, to establish a school for the blind, was amended by Mr. Martin, of Talladega, as follows:

Strike out of the bill, the words "as near the city of Mont-



gomery as suitable buildings can be leased ;" which amendment was adopted ; when on motion of Mr. Herndon, it was postponed until 11 o'clock on to-morrow, and made the special order for that hour.

Fourth special order, being joint resolutions instructing tax collectors to receive the notes of all the chartered banks of this State, in payment of State and county taxes, was, on motion of Mr. Clarke, postponed until Wednesday, the 13th, at 11 o'clock.

The bills :

To incorporate the Livingston Insurance company ;

The Lubbub Insurance company ;

The Eutaw Insurance company ;

The Pickens Insurance company ; and,

The substitute for the bill to incorporate the Alabama Fire and Marine Insurance company ; were on motion of Mr. Houston, postponed until Wednesday the 13th, at 11 o'clock.

The resolution and report of the Judiciary committee, in regard to repealing section five of an act to amend an act to incorporate the Northern Bank of Alabama, approved February 2, 1854 ; which was on motion Mr. Wood, postponed until Wednesday the 13th, and made the special order for the hour of 11 o'clock.

The bill to appropriate a part of the two per cent. fund, was on motion of Mr. Martin, of Talladega, postponed until Wednesday 13th, at 11 o'clock.

The bill to amend an act therein named, was on motion of Mr. Drummond, postponed until Monday the 11th, at 11 o'clock, and made the special order for that hour.

Resolutions in regard to the policy of the administration, was on motion of Mr. Hammonds referred to the committee on Federal Relations.

Message from the Senate, by Mr. Cain :

Mr. Speaker : The Senate has passed a House bill :

To authorize the Mobile Marine Railway and Insurance company to consolidate their capitol stock ;

To compensate Jno. A. Elmore, and M. A. Baldwin, for services rendered the State ;

For the relief of Wm. Brasseal, of Blount county ;

For the relief of Hart McCall, late tax collector of Barbour county, and his securities ;

For the relief of Richard Hudson, of Jefferson county ; which bills were severally read, and ordered to a second reading.

## SPECIAL ORDER.

A bill to alter the time of holding the Spring term of the circuit court of Pike and Coffee county, was postponed until tomorrow, on motion of Mr. Murphree, of Pike.

## GENERAL ORDERS.

House bills:

To authorize justices of the peace to appoint overseers of roads, and for other purposes, in the county of Marion;

To incorporate the Columbus and Tennessee Valley Railroad companies;

To locate the county site of Hancock;

To incorporate the North Alabama Agricultural and Mechanical Association;

To incorporate the Mobile and Ohio Telegraph company;

To provide for binding the manuscript acts of the legislature;

To incorporate the Mobile Omnibus company;

To establish a medical board in the county of Pike;

To amend the charter of the Mobile Steamship company, and the act to provide for the incorporation of steamship companies;

To lay off the county of Hancock into four commissioners' districts;

To amend the road law in Mobile;

To authorize the voters of Coffee county to elect a tax collector;

To render the license laws for retailing spirituous liquors more efficient;

To provide for the pay of jurors in Jefferson county;

Authorizing the commissioners' court to apply six hundred dollars out of fines and forfeitures to make the office of judge of probate fire-proof;

To compel the court of county commissioners of Marshall county, to levy a special tax for the purpose of paying the grand and petit jurors; which House bills were severally read the third time, and passed.

The bill:

To incorporate the Lawrenceville Male and Female Academy, in Henry county, was read the third time; and,

On motion of Mr. Bennett, amended by engrossed ryder, as follows:

*Be it further enacted*, That every attempt to evade the provisions of the third section of this act, by giving or offering to give any intoxicating drinks, with the understanding expressed or

implied, that some remuneration is to be received in something, at that or some future time, shall be deemed and held a violation of said section, and every person so offending, shall be subject to indictment, and on conviction, the same penalty as imposed in section third; which was read three times, adopted, and the bill passed.

The bill:

For the relief of Wm. L. Butler, of Shelby county, was read the third time, and,

On motion of Mr. Pennington, postponed until Friday next.

The Senate bill:

To repeal an act to change the mode of assessing the tax of Butler county, was read the third time, and,

On motion of Mr. Adams, was laid upon the table.

The Senate bill:

To authorize the successors of sheriffs to make conveyances in certain cases, was read the third time, and passed.

The bill:

To allow compensation to viewers of public roads, was read the third time, when,

Mr. Clarke moved to suspend the rule of the House, requiring the House to adjourn at 1½ o'clock.

Carried.

Mr. Staton moved to suspend the business before the House to take from the calender the bill, to change the time of holding the circuit courts of the counties of Blount, Walker, Marion and Fayette.

Carried.

The bill was then read, and passed.

When Mr. Clarke, in commemoration of the 8th day of January, moved to adjourn until half-past 9 o'clock, to-morrow morning.

Carried.

SATURDAY, January 9th, 1857.

The journal of yesterday's proceedings was read and approved.

Mr. Speaker laid before the House sundry records of divorce; which was referred to the committee on Divorce and Alimony.

Mr. Powell asked and obtained leave to record his vote in affirmation on the bill legalizing the suspension of specie payments by the Central and Commercial Banks of Alabama.

The House proceeded to the consideration of an unfinished report from the Judiciary upon the bill, to extend the lein of attorneys and solicitors; which,

On motion of Mr. Herndon, was postponed until 11 o'clock, Mr. Smith, of Randolph, from the committee on Propositions and Grievances, to whom was referred the petition of George Hooker, of Hancock county, reported adversely.

Report was postponed until Saturday morning, at the hour of 11 o'clock, A. M.

Mr. Smith, of Randolph, from the committee on Propositions and Grievances, to whom was referred the petition of R. M. Millan, of Coosa county, reported adversely thereto; also,

Adversely to the petition of Phillip Marnuck, and others, citizens of Mobile; also,

Adversely to the bill to prohibit the sale of spirituous liquors in the town of Jacksonville; also,

Adversely to the memorial of J. C. Chapman, and others, of Clarke county; also,

Adversely to the memorial and account of David Powell; also,

Adversely to the petition of William Gray, and others.

Said reports were severally concurred in.

Mr. Smith, of Randolph, from the committee on Propositions and Grievances, to whom was referred a bill to be entitled an act for the relief of John Meadows and Jephtha Lee, reported adversely thereto; and,

On motion of Mr. Brewer, the consideration of said report was postponed until Monday next, at 11 o'clock, A. M.

Mr. Wright, from the committee on Divorce and Alimony, to whom was referred a bill to be entitled an act to define the right of dowers of widows, reported adversely thereto.

Said report was concurred in.

Mr. Wright, from the committee to whom was referred sundry records of divorce, reported to the House a bill to be entitled an act to divorce certain persons therein named.

Said bill was read, and ordered to a second reading.

Mr. Reedus, from the same committee, to whom was referred the record of divorce, in the case of Sims vs. Sims, reported to the House a bill in relation thereto; which was read, and ordered to a second reading.

Mr. Bell, of Franklin, from the same committee, to whom was referred sundry records of divorce, reported a bill in relation thereto, to be entitled an act to divorce certain persons therein named.

Said bill was read, and ordered to a second reading.

Mr. Allen moved that if the report of the inspectors of the penitentiary had not been printed, that the manuscript copy should be handed over to the committee on the Penitentiary.

The motion prevailed.

Mr. Dillard from the select committee, to whom was referred a bill entitled an act to regulate the length of rails or polls for cross-ways on roads in Montgomery county, reported favorably thereto, and the bill ordered to be engrossed.

Mr. Johnston, of Perry, from the joint committee, raised to re-district the judicial circuits of the State, to whom was referred the Senate bill, to change the time of holding the circuit courts of Montgomery county, reported the same back to the House, and recommended its passage.

The constitutional rule being suspend, the same was read the third time, and passed.

Mr. Williamson, from the committee on Enrolled Bills, reported the following bills as correctly enrolled, viz :

To divorce Elizabeth Elliott from her husband, Robert Elliott, and to divorce other persons therein named ;

For the relief of Mrs. Miriam M. Rattenbury ;

For the relief of Catharine J. Reid ;

To enable the administratrix on the estate of James L. Craig, deceased, to remove the administration to Tallapoosa county ;

For the relief of Wm. F. Webb and his securities.

Mr. Martin, of Talladega, from the special committee on Constitutional Amendments, to whom was referred various joint resolutions proposing amendments, and on motion, the consideration of said report was postponed until Saturday next at 11 o'clock, and 500 copies ordered to be printed.

Mr. Martin, of Talladega, from the select committee, to whom was referred the bill to be entitled an act establishing annual sessions of the legislature of Alabama, and fixing the commencement and limiting the term thereof," reported the same back to the House with amendments.

Mr. Johnston, of Perry, moved to amend by striking out 1858, and inserting in lieu thereof, 1859.

Mr. Hale moved to postpone the further consideration of the report and bill until Saturday, the 16th instant, at 11 o'clock.

Mr. Chamberlain moved to postpone until Saturday, 23d instant, at 11 o'clock.

Lost.

The question was then upon the motion of Mr. Hale, and the same prevailed.

Mr. Baugh moved that 500 copies of the bill and amendments be printed.

Mr. Flournoy moved to lay the motion to print on the table. Carried.

Mr. Staton moved that 133 copies be printed.

Mr. Flournoy moved to lay said motion on the table.

Lost.

Mr. Flournoy then moved to strike out 133, and insert 34 copies.

The question was first on the motion to print 133 copies, and the motion prevailed.

Message from the Governor :

Mr. Speaker: His excellency the Governor has approved bills which originated in the House of Representatives, of the following titles :

An act to legalize the suspension of specie payments by the Central and Commercial Banks of Alabama;

An act to authorize magistrates in beats Nos. 4 and 5, of Montgomery, to appoint special constables in said beats ;

An act making appropriations for the fiscal year 1858 and 1859.

Message from the Senate :

Mr. Speaker: The Senate has passed bills from the House of the following titles :

To repeal an act therein named, approved January 18, 1845 ;

To amend the charter of the town of Cahaba, amended by the Senate ;

For the relief of the administration of the estate of Richard Long, late of Pickens county, deceased, which originated in the Senate.

The Senate bill :

For the relief of the administrator of the estate of Richard Long, was read and ordered to a second reading.

The amendment of the Senate to the House bill to be entitled an act to amend the charter of the town of Cahaba was concurred in.

Message from the Senate:

Mr. Speaker: The Senate has passed the House bill to be entitled an act to authorize the administrator of Richard Morton, deceased, late of Autauga county, to sell the negro property belonging to said estate.

The hour of 11 o'clock having arrived, the House proceeded to the consideration of the special order, being to establish a school for the blind.

Mr. Hobbs moved to amend the bill as follows :

Add to section 12, "and the said president shall give bond with security, to be approved by the Governor, for the sum of fourteen thousand dollars, conditioned for the faithful performance of the duties imposed upon him by this act, and the said

board of trustees, and for the proper disbursement of the moneys hereby appropriated"; which was adopted.

Mr. Baugh moved to amend by adding "free" before "white" in the first line of the 7th section of the bill; which was adopted.

Mr. Molton moved to amend as follows:

Strike out in the fourth line of section 2, "the said trustees shall take immediate steps to," and in the fifth line, "select a proper location for a school for the blind."

Mr. Dillard moved the indefinite postponement of the bill.

Lost.

The question then recurred upon the amendment of Mr. Molton; which was lost.

Mr. Hale moved to amend by adding at the end of the 7th section the words "and is a person of good moral character"; which was adopted.

Mr. Simpson moved the following amendment, which was lost:

That the Governor shall appoint one trustee from each Congressional district in this State, who shall select some suitable place to locate said school.

Mr. Hale moved to amend by adding section 15th as follows:

*Be it further enacted,* That no part of the money appropriated by this act shall be applied to the purchase of houses or premises for the use of the school, nor for a lease thereof for a longer term than two years; which was adopted.

Mr. Morgan moved to add section 16, as follows:

*Be it further enacted,* That the said trustees shall locate such school at the town of Montevallo, in Shelby county.

Mr. Clayton moved to amend the amendment as follows:

Strike out Montevallo and insert Opelika; which, together with the amendment of Mr. Morgan, on motion of Mr. Hale, was laid on the table.

The bill was then ordered to be engrossed.

Yeas 54, nays 21.

Yeas—Messrs. Speaker, Aldridge, Allen, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Brewer, Brown of Marion, Chamberlain, Clarke, Clayton, Cloud, Denman, Echols, Edwards, Eustace, Flournoy, Griffin, Hale, Hammonds, Harris, Herndon, Higgins, Hobbs, Houston, Irby, Jackson, Kennedy, Mabry, Majors, Martin of Talladega, McRae, Molton, Morgan, Murphree of Pike, Nelson, Parker, Powell, Reedus, Register, Reid, Richardson of Monroe, Scott, Sheffield, Smith of Lauderdale, Smith of Randolph, Stiff, Talley, Thompson, Walden Wood and Wright—54.

Nays—Messrs. Bradley, Brock, Bulger, Calfee, Denman, Dillard, Drummond, Espy, Goode, Holly, Jeter, Johnston of Perry, Johnson of Tallapoosa, Martin of Dale, Murphy of Henry, Pynes, Simpson, Smith of Coosa, Smith of Jefferson, Tait, Warren, and Williamson.—21.

Message from the Senate, by Mr. Cain :

Mr. Speaker: The Senate has originated and passed a bill to authorize Robt. T. Dade to transfer certain slaves to Henry C. Mitchell, a minor; which bill was read the first time, and under a suspension of the constitutional rule, was read the second and third time, and passed.

Senate also passed House bill :

To amend the road laws in Mobile.

The House proceeded to consider the bill to extend the lien of attorneys and solicitors, together with the report of the Judiciary committee.

The report was, on motion of Mr. Drummond, ordered to lay on the table; when Mr. Echols moved to lay the bill on the table, and the motion prevailed.

#### GENERAL ORDERS.

The bill :

To alter the time of holding the Spring term of the circuit court of Pike and Coffee counties, was read the third time, and laid on the table.

The bill :

To allow compensation to viewers of public roads, was lost on the passage of the bill.

The bill :

To authorize the issuance of State bonds, and for other purposes, was read the third time, when on motion of Mr. Johnston of Tallapoosa, the bill was laid on the table.

Mr. Flounoy moved to reconsider the vote by which the bill to allow compensation to viewers of public roads was lost.

The motion prevailed and the vote was reconsidered.

Mr. Wright moved to amend the bill by way of engrossed rider, as follows :

*Provided*, The provisions of this act shall apply to the county of Benton only; which was read first, second and third times, and the bill passed.

The engrossed House bills :

To incorporate the Selma and Gulf Railroad company;

To amend the law as to executors and administrators;

To prevent nuisances and illegal trafficking with slaves;



To amend section 1372 of the Code.

Senate bills :

To provide for the pay of jurors in Pickens county ;

To change the manner of appointing overseers and apportioners of roads in the county of Russell ;

To compensate Clark Cross for services rendered : were severally read the third time, and passed.

The engrossed House bill :

To repeal certain sections of an act therein named, in relation to banking, was read the third time, and passed.

Yeas 56, nays 15.

Yeas—Messrs. Speaker, Allen, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brewer, Calfee, Caldwell, Chamberlain, Cloud, Denman, Dillard, Echols, Eustace, Griffin, Hale, Hammonds, Harris, Herndon, Hobbs, Houston, Irby, Jackson, Jeter, Kennedy, Mabry, Martin of Dale, Martin of Talladega, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Reid, Richardson of Monroe, Scarborough, Scott, Sheffield, Smith of Jefferson, Smith of Coosa, Smith of Lauderdale, Smith of Randolph, Talley, Tait, Walden, Warren, Wood and Wright—56.

Nays—Messrs. Brock, Brown of Marion, Butler, Clarke, Edwards, Espy, Flournoy, Higgins, Holly, Johnston of Tallapoosa, Majors, Register, Simpson, Staton and Suff—15.

When the House adjourned until half past 9 o'clock, Monday morning.

MONDAY, January 11th, 1858.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Shaver.

The journal of Saturday was read and approved.

Mr. Speaker laid before the House sundry records of divorce ; which were referred to committee on Divorce and Alimony ; also,

Laid before the House the official vote of Blount county in regard to the election of Governor ; which was laid on the table.

Mr. Brown, of Marion, moved to reconsider the vote by which the bill to alter the time of holding the Spring term of the circuit court of Pike and Coffee counties, which was laid on the table.

The motion prevailed and the vote was reconsidered, and the bill passed and ordered forthwith to the Senate.

Mr. Hale moved to suspend call of counties to introduce joint resolutions.

Carried.

Resolutions as follows:

WHEREAS, the people of Alabama, of all political parties, in their primary assemblies and party connections, have heretofore announced the following as among the fundamental principles of their political creed: That Alabama in their judgment will and ought to resist, even (as a last resort) to a disruption of every tie which binds her to the Union, every action of Congress upon the subject of slavery in the District of Columbia, or in places subject to the jurisdiction of Congress, incompatible with the safety, domestic tranquility, the rights and honor of the slaveholding States, or any act suppressing the slave trade between the slaveholding States, or any refusal to admit, as a State, any Territory hereafter applying, because of the existence of slavery therein, or any act prohibiting the introduction of slavery into the Territory of Utah or New Mexico, or any act repealing or materially modifying the laws now in force, for the recovery of fugitive slaves; AND WHEREAS, in the opinion of the General Assembly, the present emergency is such at this time to require every Southern State to speak out on this subject. Therefore—

*Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Alabama still adheres to the position heretofore deliberately taken, as above indicated, and will take no step backwards.*

*Be it further resolved, That copies of the foregoing preamble and resolution be forwarded to our Senators and Representatives in Congress, and to the Governors of our sister States of the South.*

Mr. Caldwell moved to refer the joint resolutions to committee on Federal Relations.

Mr. Nabors moved to amend as follows:

That the resolutions be referred to the committee on Federal Relations, with instructions to report an amendment to call a convention in the event Kansas shall not be admitted into the Union, should she apply for admission therein, with a slavery constitution.

Adopted.

Yeas 88, nays none.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Baugh, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Brock, Browder, Brown of Marion, Brown of Tuscaloosa, Bulger, Calfee, Caldwell, Chamberlain, Clarke, Clayton, Cloud, Colbert, Coleman, Cullum, Denman, Dillard, Drummond, Echols, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds,

Harris, Herndon, Higgins, Hobbs, Holly, Houston, Irby, Jackson, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Little, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Register, Reid, Remson, Richardson of Monroe, Scarborough, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Walden, Warren Weaver, Williamson and Wright—88.

Nays—none.

Mr. Powell moved to suspend the consideration of the message from the Senate, in order to take up the bill in relation to the rotating of the judges of the circuit court of this State.

Carried.

And the House concurred in the amendment of the Senate to the bill.

Mr. Caldwell moved to suspend the consideration of the message just received, and also all special orders, to consider messages generally.

Said motion prevailed.

The Senate bill to be entitled an act to accept of the grant and carry into execution the trust conferred upon the State of Alabama, by an act of Congress entitled an act granting public lands, in alternate sections, to the State of Alabama, to aid in the construction of certain railroads in said State, approved 3d June, 1856, was read, and the constitutional rule being suspended the same was severally read the second and third times forthwith and passed.

The Senate bills :

To incorporate the Marshall and Jackson Railroad company ;

To vest in the Tennessee and Alabama Central Railroad certain lands granted by Congress, in trust to the State of Alabama, to aid in the construction of the Tennessee and Alabama Central Railroad ; were severally read the first time and ordered to a second reading.

The House then proceeded to the consideration of the House bill amended by the Senate, to extend the right of trial by jury before justices, when, on motion of Mr. Hobbs, the further consideration of the same was postponed until Friday the 15th inst., and made the special order for the hour of 11 o'clock of said day.

Mr. Goode offered the following resolution, which under the rule lies over one day, viz :

*Resolved*, By this House, that from and after this day the call

of the counties of this State be made on every day of the week, by the Speaker, excepting Sundays.

Mr. Clayton moved to suspend the business before the House to consider the communication from the commissioner and trustee of the State Bank and Branches.

Mr. Irby moved to lay on the table, and that five hundred copies of said communication be printed.

Carried.

Mr. Jackson moved to suspend the business before the House to enable him to offer a resolution.

Carried, and

Mr. Jackson offered the following resolution :

*Resolved*, That, the Senate concurring, both Houses of this General Assembly adjourn *sine die* on Monday, the first day of February.

On motion of Mr. Hale, the consideration of said resolution was postponed until Saturday next, and made the special order for 11 o'clock of that day.

Mr. Bennett moved to suspend business to enable him to offer a resolution. Lost.

The Senate bill to destroy the bills of the State Bank and Branches was read.

Mr. Irby moved to suspend the constitutional rule, in order to give the bill a second and third reading forthwith, and the yeas and nays were demanded on the motion to suspend.

The motion was lost, four-fifths not voting in the affirmative.

Yeas 62, nays 22.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Bell of Talladega, Bennett, Bradley, Brewer, Brock, Browder, Brown of Tuscaloosa, Bulger, Calfee, Chamberlain, Clayton, Colbert, Coleman, Denman, Dillard, Eustace, Flournoy, Griffin, Hale, Harris, Herndon, Houston, Irby, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Little, Mabry, Martin of Dale, Martin of Talladega, McCall, McRae, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Pynes, Reid, Scarborough, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Talley, Tait, Weaver, Williamson, Wright—62.

Nays—Messrs. Baugh, Brown of Marion, Caldwell, Clarke, Cloud, Echols, Edwards, Espy, Goode, Hammonds, Higgins, Hobbs, Holly, Jackson, Majors, Mardis, Nelson, Pennington, Powell, Register, Remson, Richardson of Monroe, Walden—22.

Said bill was ordered to a second reading.

Mr. Williamson, from the committee on Enrolled Bills, reported the following bills as correctly enrolled, viz:

An act for the relief of William Brasseal of Blount county ;  
 An act to authorize the Mobile Marine Railway and Insurance company to consolidate their capital stock.

The Senate bills :

For the benefit of the estate of James Stapp, dec'd, of Pickens county ;

More effectually to secure the attendance of witnesses in chancery suits ;

In relation to specie payments by the Mobile Savings company ;

To amend an act to incorporate the town of Claiborne ;

To regulate the pay of jurors and witnesses in the county of Jackson ;

To repeal an act to provide for a geological and agricultural survey of the state, approved 3d February, 1854 ;

In relation to the payment of taxes ;

For the relief of Joshua Lyon, tax collector of Sumter county ;

Joint resolution in reference to the settlement of the account between the State of Alabama and the Secretary of State, Vincent M. Benham ;

To allow the probate judge of Montgomery county to take jurisdiction of the estate of Wiggins W. Whitaker, dec'd, of Autauga county ;

To require the several tax assessors and collectors to prepare and furnish assessment lists to the tax payers ;

To amend section 1058 of the Code of Alabama ;

To authorize A. M. Lewis of Marengo county, to erect gates across a certain public road ;

To amend section 2313 and 2779 of, and to repeal section 2314 of the Code ;

To incorporate the Rock Island and Coosa Mining company ;

To provide for printing the reports of comptroller of public accounts, state treasurer and inspector of the penitentiary ;

To amend an act to incorporate a company of artillery at Greensboro' ;

To extend the charter of the Winchester and Alabama Railroad ; were severally read and ordered to a second reading.

The Senate bill :

To make appropriation for the payment of the members and officers of the General Assembly, was read, and on motion of Mr. Irby, laid on the table.

The House concurred in the amendment of the Senate to the House bill to repeal an act approved 5th February, 1856, and for other purposes.

The joint resolution requesting that Lieutenant Maury, of the

United States Navy, be restored to his former standing in the navy, was read, and on motion of Mr. Hobbs, laid on the table.

The Senate bill:

To enforce the compliance of their contract by the state public printers was read, and the rule being suspended, the same was read the second time and referred to the committee on Public Printing.

The Senate joint memorial to the Congress of the United States was read and adopted.

Mr. Scott asked and obtained leave to record his vote in the affirmative on the resolution of Mr. Hale.

The House concurred in the amendment of the Senate to the House bill to elect the county surveyor of Talladega county by the voters of said county.

Also in the amendment of the Senate to the House bill to amend the criminal law, in relation to rape, incest and adultery.

The Senate bill:

To authorize the Mobile Marine Railway and Insurance company to consolidate its capital stock, was read, and on motion of Mr. Herndon, was laid on the table.

The Senate bill:

To incorporate the Union Town and Jackson Railroad company, was read.

Mr. Goode moved a suspension of the constitutional rule in order to give the bill a second reading forthwith.

The rule was suspended, the bill read the second time, and on motion of Mr. Hale, referred to the committee on Corporations.

Mr. Holly moved to suspend the business before the House to proceed with the call of the counties.

Carried.

Mr. McRae introduced a bill to be entitled an act to amend section 2462 of the Code.

Mr. Clayton introduced a bill to be entitled an act to authorize the recovery of a conventional interest as high as twelve per cent per annum; also,

A bill to be entitled an act to regulate the giving of security for costs in the supreme court.

Mr. Baugh introduced a bill to be entitled an act to regulate the sale of produce raised or manufactured within this State.

Mr. Nelson introduced a bill to be entitled an act to authorize the judge of probate in Baldwin county, to keep his office in two miles of the court house of said county; also,

A bill to be entitled an act to allow magistrates and constables

the same fees in Baldwin county, that sheriffs and clerks of the circuit court receive now by law for like services rendered.

Said bills were severally read, and ordered to a second reading.

Mr. Powell introduced a bill to be entitled an act to change the time of taking up the State docket in Bibb county.

Said bill was read, and the constitutional rule being suspended, the same was read the second and third times forthwith, and passed, and ordered forthwith to the Senate.

Mr. Staton introduced a bill to be entitled an act for the relief of Austin Murphree, sheriff of the county of Blount.

Said bill was read, and the constitutional rule being suspended—the same was read the second and third times forthwith, and passed.

Mr. Allen introduced a bill to be entitled an act to temporarily suspend the operation of section 2257 of the Code; which was read.

Mr. Allen moved to suspend the constitutional rule so as to give the bill a second reading forthwith.

Motion was lost.

Yeas 50, nays 29.

Yeas—Messrs. Aldridge, Allen, Baugh, Bell of T., Bennett, Boatright, Brock, Brown of Marion, Brown of Tuskalooza, Bulger, Calfee, Chamberlain, Clarke, Clayton, Colbert, Echols, Espy, Flournoy, Goode, Griffin, Hammonds, Hobbs, Jackson, Jeter, Johnson of Tallapoosa, Little, Martin of Dale, McRae, Morgan, Murphy of Henry, Nabors, Neal, Parker, Pennington, Powell, Pynes, Reedus, Register, Remson, Scarborough, Sheffield, Simpson, Smith of Coosa, Smith of Jefferson, Staton, Stiff, Talley, Tait Warren and Weaver—50.

Nays—Messrs. Speaker, Bradley, Brewer, Browder, Denman, Drummond, Eustace, Hale, Harris, Herndon, Higgins, Holly, Houston, Johnston of Perry, Jones, Kennedy, Mabry, Mardis, Martin of Talladega, McCall, Molton, Reid, Richardson of Monroe, Scott, Slade, Smith of Lauderdale, Smith of Randolph, Walden and Wright—29.

The bill was ordered to a second reading.

Mr. Bennett introduced a bill to be entitled an act to prevent target shooting and cock fighting within one hundred yards of the public road.

Mr. Goode: a bill to change the county boundary line between the counties of Clarke and Monroe;

Mr. Warren: to amend section 2118 of the Code; also,

To make Adeline Armond of the county of Coffee, a free dealer;

Mr. Holly: to provide for the pay of witnesses summoned to attend the circuit court of Covington county;

Mr. Register: to legalize election precincts, numbers 7 and 14, in Dale county;

Mr. Higgins: for the relief of D. B. Brickhalter, of DeKalb county;

Mr. Hale: to amend the law in relation to proceedings in chancery;

To authorize the consolidation of stock by the North-East and South-West Alabama Railroad and the Wills Valley Railroad company;

Mr. Little: to change the name of Seal J. Stovall;

Mr. Pynes: to make Jisey A. Skinner of the county of Henry, a free dealer;

Mr. Smith, of Jefferson, more effectually to reclaim runaway slaves; also,

For the establishment of an election precinct in the county of Jefferson;

Mr. Smith, of Lauderdale, to amend an act to grant certain powers to the commissioners' court of roads and reviewers for the county of Lauderdale, and other purposes; approved 31st January, 1846; also,

To amend the several acts incorporating the town of Florence, in the county of Lauderdale;

Mr. Reedus: to prevent betting at ten pins;

Mr. Hobbs: to authorize the sale of the bonds of the county of Limestone;

Mr. Williamson: to regulate the appointment and duties of patrols for Lowndes county; also,

To establish an election precinct in the county of Lowndes;

Mr. Echols introduced a bill for the relief of the securities of executors, administrators and guardians; also,

To authorize executors, administrators and guardians to give additional bonds; also,

To authorize certain acts therein named;

Mr. Flournoy: for the relief of Spencer M. Grayson, of Macon county; which bills were severally read, and ordered to a second reading.

Mr. Warren presented the petition of Adeline Armond;

Mr. Smith, of Jefferson, presented the petition of M. L. McMillion, and others; which were severally referred to the committee on Propositions and Grievances.

Mr. Pennington introduced a bill to repeal an act therein named; which was read, and the constitutional rule being sus-



pended, was read the second and third times forthwith, and ordered to the Senate; also,

A bill for the relief of James Camp, executor of Joseph Camp, deceased; which was read, and the constitutional rule being suspended, was read the second time, and referred to the Judiciary committee.

Mr. Powell moved to suspend the rule requiring the House to adjourn at 1½ o'clock, for the purpose of finishing the call of the counties.

Motion was lost.

Mr. Majors presented the petition of sundry citizens of DeKalb; which was referred to a select committee of one from each of the counties of DeKalb, Jackson and Marshall.

Mr. Brock introduced a bill to create an additional company beat and election precinct in the county of Fayette; which was read, and the constitutional rule being suspended, was read the second and third times, and passed.

Mr. Talley introduced a bill to compensate Claiborne C. Rose, of Franklin county, for apprehending and bringing a fugitive from the State of Mississippi; which bill was read, and the constitutional rule being suspended, was read the second time, and referred to the committee on Accounts.

Mr. Williamson introduced a bill to authorize the probate court of Lowndes to grant letters of administration on the estate of John H. Cottingham; which was read, and the constitutional rule being suspended, was read the second and third times, and passed; also,

For the relief of Wm. O'Neal; which was read, and the constitutional rule being suspended, was read the second time, and referred to the committee on Propositions and Grievances.

Mr. Harris: to compel the attendance of witnesses in certain cases; which was read, and the constitutional rule being suspended, was read the second time, and referred to the committee on the Judiciary.

Mr. Herndon moved to suspend the rule requiring the House to adjourn at 1½ o'clock; which was lost.

Mr. Sheffield presented the account of C. Brown; which was referred to the committee on Accounts.

Message from the Governor, by Mr. Watt Phelan, his private secretary:

Mr. Speaker: His excellency, the Governor, has approved bills which originated in the House of Representatives of the following titles:

An act for the relief of Wm. T. Webb, and his securities;

An act to enable the administratrix on the estate of James L.

Craig, deceased, to remove the administration to Tallapoosa county;

An act for the relief of Catharine J. Reid;

An act for the relief of Mrs. Miriam M. Rattenberry;

An act to divorce Elizabeth Elliott, from her husband, Robert Elliott, and other persons therein named.

Mr. Sheffield introduced a bill to create an additional company beat and election precinct in Marshall county; which was read.

Mr. Sheffield moved a suspension of the constitutional rule to give the bill a second reading forthwith.

Mr. Drummond demanded the yeas and nays on the motion to suspend.

Pending the call of which, the hour of 1½ arrived, and the House adjourned until ¾ o'clock.

#### AFTERNOON SESSION.

Mr. Powell moved to suspend the consideration of all general orders to continue the call of the counties.

Carried.

The House proceeded to consideration of the matter under consideration when the House adjourned.

The question being upon the motion of Mr. Sheffield to suspend the constitutional rule to give the bill "to create an additional company beat and election precinct in Marshall county" a second reading, Mr. Sheffield withdrew his motion and the bill was ordered to a second reading.

Mr. Griffin presented the petition of Wm. Davidson and others, of Marshall county, which was referred to the committee on Privileges and Elections.

Mr. Brown, of Marion, introduced a bill to make a loan to the Columbus and Tennessee River Valley Railroad company.

Mr. Brown, of Marion, moved to suspend the constitutional rule to give the bill a second reading forthwith.

The House refused to suspend—fourfifths not voting in the affirmative.

Yeas 53, nays 21.

Yeas—Messrs. Adams, Aldridge, Bell of Franklin, Bell of Talladega, Brewer, Brock, Brown of Marion, Brown of Tuskalooza, Calfee, Chamberlain, Clarke, Colbert, Coleman, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Hobbs, Jackson, Jeter, Kennedy, Little, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Morgan, Murphree of Pike, Murphy of Henry, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Remson, Richardson of Monroc, Slade, Smith of Coosa, Smith

of Jefferson, Staton, Stiff, Talley, Tait, Warren, Walden, Williamson and Wright—53.

Nays—Messrs. Speaker, Allen, Baugh, Bradley, Denman, Dillard, Drummond, Edwards, Espy, Holly, Houston, Johnson of Tallapoosa, Nabors, Neal, Register, Reid, Sheffield, Simpson, Smith of Lauderdale, Smith of Randolph and Weaver—21.

The bill was ordered to a second reading.

Mr. Williamson, from the committee on Enrolled Bills, reported the following bills as correctly enrolled, viz:

A bill to be entitled an act to amend the road law in Mobile ;

A bill to be entitled an act to repeal an act therein named, approved January 18th, 1845 ;

A bill to be entitled an act to amend the charter of the town of Cahaba, and for other purposes.

Mr. Brown, of Marion, introduced a bill establishing a new election precinct in Marion county.

Mr. Drummond: a bill to permit free negroes to become slaves ;

Mr. Chamberlain: a bill to regulate the towage of vessels in the harbor of Mobile ; also,

A bill for the relief of livery stable keepers in the city of Mobile ; also,

A bill to amend section 3041 of the Code of Alabama ;

Mr. Dillard: a bill to amend the law of evidence in certain particulars ; also,

A bill requiring the bank commissioner to publish a list of the defaulters to the State Bank and Branches ;

Mr. Bradley: a bill to amend the charter of the Marion Railroad company, and to extend said road ;

Mr. Murphree, of Pike: to authorize the issuance of garnishments at the commencement, or during the pending of any suit for a moneyed demand ;

Mr. Boatright: a bill to repeal an act approved 13th of February, 1855, to increase the amount of tax on peddling in the county of Pike, and to re-enact sub-division sixteen of section 397 of the Code of Alabama in its application to said county ;

Mr. Aldridge: a bill to extend the corporate limits of the town of Salem, in Russell county ;

Mr. Hammonds: a bill to change the time of holding the chancery courts for St. Clair county ; also,

To impose a tax on slander suits ;

Mr. Houston: a bill to incorporate the Sumter Mounted Guards ; also,

A bill to appropriate a part of the three per cent. fund ;

Mr. Martin, of Talladega: a bill to protect the sparate estates of married women; also,

A bill to compensate N. S. Punch, for certain services rendered to the State; also,

A bill to amend an act therein named;

Mr. Remson: a bill to prevent the trading with slaves, and free persons of color; also,

A bill to amend section 3080 of the Code; also,

A bill for the relief of John Lawson; also,

A bill to amend section 391 of the Code;

Mr. Jones, of Tallapoosa: a bill to reduce the tax on certain property therein specified; also,

A bill to prevent the re-issuing of executions by justices of the peace;

Mr. Bulger: a bill to fix the time for musters in this State, and for other purposes;

Mr. Brown, of Tuskaloosa: a bill for the relief of Nathaniel Upton, of Tuskaloosa county;

Mr. Reid: a bill to repeal an act therein named, so far as Walker county is concerned, approved February 2, 1856;

Mr. Slade: a bill for the relief of the children of John Stewart and Rose Stewart;

Mr. Tait: a bill and petition for the relief of S. C. Dumas, tax collector of Wilcox county; also,

A bill to amend an act establishing a board of botanic physicians in the State of Alabama;

Mr. Holly: a bill to incorporate the Covington county Canal company;

Mr. Edwards: a bill to amend and revise the several acts relative to justices courts, in the county of Blount;

Mr. Coleman: a bill making one hundred dollars recoverable before justices of the peace;

Mr. Adams: a bill to amend an act entitled an act to change the mode of assessing the tax of Butler county, approved February 7, 1856; which bills were severally read, and ordered to a second reading.

Mr. Kennedy presented the petition of Bytha Taylor, which was referred to the committee on Propositions and Grievances.

Mr. Drummond introduced a bill to incorporate the trustees of the Providence Infirmary of Mobile;

Mr. Brown, of Marion, moved to suspend the constitutional rule, in order to give the bill a second reading forthwith.

Mr. Drummond called for the yeas and nays.

The House refused to suspend the rule.

Yeas 24, nays 40.

Yeas—Messrs. Speaker, Brown of Marion, Brown of Tuska-  
loosa, Calfee, Clarke, Hammonds, Harris, Little, Morgan, Mur-  
phy of Henry, Nelson, Pennington, Reedus, Register, Rich-  
ardson of Monroe, Scarborough, Smith of Coosa, Smith of Jef-  
ferson, Smith of Lauderdale, Stiff, Talley, Tait, Walden and  
Wright—24.

Nays—Messrs. Baugh, Boatright, Bradley, Brock, Browder,  
Chamberlain, Clayton, Colbert, Denman, Drummond, Edwards,  
Espy, Flournoy, Goode, Griffin, Hobbs, Holly, Houston, Jack-  
son, Jeter, Johnson of Tallapoosa, Kennedy, Mabry, Majors,  
Martin of Dale, McCall, McRae, Murphree of Pike, Nabors,  
Neal, Parker, Powell, Pynes, Reid, Sheffield, Simpson, Smith of  
Randolph and Weaver—40.

The bill was ordered to a second reading.

Mr. Molton presented the account of F. A. Hinse; which was  
referred to the committee on Accounts and Claims.

Mr. Houston presented the petition of Joseph Arrington, Sr.,  
and others, citizens of Sumter county; which was referred to  
the committee on Corporations; also,

The petition of A. C. Pickett, and others, citizens of Sumter  
county; which was referred to the committee on Roads, Bridges  
and Ferries; also,

The account of J. A. Smith; which was referred to the com-  
mittee on Accounts and Claims.

Mr. Martin, of Talladega, introduced a bill to regulate the  
trial of contested will cases; which was read.

Mr. Martin, of Franklin, moved the suspension of the rule,  
to give the bill a second reading, and

The yeas and nays were demanded.

The House refused to suspend, four-fifths not voting in the af-  
firmative.

Yeas 60, nays 18.

Yeas—Messrs. Speaker, Adams, Aldridge, Bell of Talladega,  
Boatright, Brewer, Brock, Browder, Brown of Marion, Brown  
of Tuska-loosa, Bulger, Chamberlain, Clarke, Clayton, Colbert,  
Coleman, Cullum, Edwards, Flournoy, Hale, Hammonds, Har-  
ris, Hobbs, Houston, Jackson, Jeter, Kennedy, Little, Majors,  
Martin of Dale, Martin of Talladega, McCall, McRae, Morgan,  
Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson,  
Parker, Pennington, Powell, Pynes, Reedus, Register, Remson,  
Richardson of Monroe, Scarborough, Sheffield, Slade, Smith of  
Coosa, Smith of Jefferson, Smith of Randolph, Staton, Stiff,  
Talley, Tait, Walden, Williamson and Wright—60.

Nays—Messrs. Allen, Baugh, Bell of Franklin, Bradley, Den-  
man, Dillard, Drummond, Espy, Goode, Griffin, Holly, Johnson

of Tallapoosa, Mabry, Mardis, Reid, Simpson, Warren and Weaver—18.

The bill was ordered to a second reading.

Mr. Simpson moved to suspend the business before the House to enable him to offer a resolution.

Carried.

Mr. Hale moved to suspend business before the House to offer a resolution.

Carried.

Mr. Hale then offered the following resolution :

*Resolved*, That the clerk of the House be authorized to employ an assistant to aid him in writing up the journal of this House, and to pay the usual amount per day for such clerk; *provided*, he shall be paid only for each day that he is actually engaged in writing.

And the yeas and nays were demanded. The resolution was adopted.

Yeas 72, nays 4.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brewer, Brock, Browder, Brown of Marion, Brown of Tuscaloosa, Bulger, Calfee, Chamberlain, Clarke, Clayton, Colbert, Coleman, Denman, Drummond, Edwards, Espy, Flournoy, Griffin, Hale, Hammonds, Harris, Houston, Jackson, Jeter, Johnson of Tallapoosa, Kennedy, Little, Mabry, Majors, Martin of Talladega, McCall, McRae, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Parker, Pennington, Pynes, Reedus, Register, Reid, Remson, Richardson of Monroe, Scarborough, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Talley, Tait, Walden, Warren, Weaver, Williamson, Wright—72.

Nays—Messrs. Cloud, Eustace, Holly, Mardis—4.

Mr. Bulger moved to suspend rule to adjourn in order to introduce bills.

Carried.

Mr. Coleman moved to suspend business before the House to enable him to offer a resolution.

Carried.

Mr. Coleman then offered the following resolution, which under the rule lies over one day :

*Resolved*, That from and after Wednesday, 13th instant, this House will assemble each evening at the hour of 7 o'clock, and adjourn at 10 o'clock, P. M. ;

And, on motion of Mr. Drummond, the House adjourned until to-morrow morning at half past 9 o'clock.

TUESDAY, January 12, 1858.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Petric.

Journal of yesterday read and approved.

Mr. Higgins was added to the committee on County Boundaries.

Mr. Walden moved to suspend all business before the House to consider bills on their second reading.

Carried.

Mr. Hale moved to reconsider the vote by which the Senate resolution "requesting that Lieutenant Maury of the United States Navy be restored to his former standing in the Navy" was laid on the table.

Carried.

Mr. Hale moved to amend as follows: Amend the resolution by inserting after the words General Assembly, "to see Lieutenant Maury advanced to that high rank and position in the Navy to which his distinguished services entitle him.

Mr. Jones moved to refer the resolution to the committee on Federal Relations.

Lost.

The amendment was adopted, and the House concurred in the resolution.

Mr. Goode moved to suspend all business to call up resolution introduced by himself on yesterday in regard to call of counties.

Lost.

Mr. Drummond moved to reconsider the vote just taken.

Carried.

The question then recurred on the motion to suspend, and the same was lost.

The House then proceeded to consider bills on their second reading.

The bills to provide for the summary punishment of slaves for capital offences, by amending section 3316 of the Code ;

To repeal the law authorizing the emancipation of slaves ;

To compensate Guards ;

To amend section 3116 of the Code of Alabama ; were severally read the second time and referred to the committee on Judiciary.

The bill :

To be entitled an act to cause the county treasurer of Clarke county to be elected by the qualified voters thereof, was read the second time, and the constitutional rule being suspended, the

same was read the third time forthwith and passed, and ordered to the Senate.

The bill :

To incorporate the Alabama Bible and Colporteur Society was read the second time and ordered to be engrossed.

The bill :

To change the name of the county of Hancock, was read the second time and referred to the committee on County Boundaries.

The bill :

To be entitled an act to reduce and consolidate into the several acts incorporating the town of Athens in Limestone county, was read the second time and referred to the committee on Corporations.

The bill :

To be entitled an act to authorize James Dillett Porter to practice law, was read the second time.

Mr. Chamberlain moved to amend by adding the name of Leslie E. Brooks.

Adopted.

Mr. Drummond moved to refer bill and amendment to the committee on Judiciary.

Lost.

Mr. Brown, of Tuscaloosa, moved to amend by adding the name of Phillip A Fitts.

Adopted.

Mr. Bulger to amend by inserting, or any other minor of good moral character.

Lost.

Mr. Morgan moved to amend by adding Burrell B. Lewis of Dallas county.

Adopted.

Mr. Bell, of Franklin, moved to amend by adding the name of John Cooper of Franklin.

Adopted.

Mr. Jones moved to amend by adding the following section :

SEC. 2. *Be it further enacted*, That from and after the time of their obtaining such license respectively, they shall respectively be liable on all contracts made by them as if they were of full age.

Said amendment was adopted.

Mr. Mardis moved to refer the bill to the committee on the Judiciary.

Lost.

Mr. Coleman called the previons question, and the question



being, "shall the main question be now put?" the same was decided in the affirmative, and the bill as amended ordered to be engrossed.

Mr. Tait moved to withdraw from the committee on Propositions and Grievances.

Mr. Jones moved to withdraw from the committee on Propositions and Grievances, the petition of various citizens of Mobile in relation to Daphne.

Message from the Senate by Mr. Cain.

Mr. Speaker: The Senate has originated and passed bills of the following titles:

For the relief of Wm. P. Ashley;

For the relief of certain persons therein named;

To authorize the several courts of county commissioners to regulate the pay of jurors;

To provide for the pay of commissioners of roads and revenue for Coffee county;

To regulate the tax fees of jurors in the county of Coffee;

To accept the grant of land by Congress to the Coosa and Chattooga Railroad;

For the relief of Benjamin B. Avery of Chambers county;

To change the term of office of apportioners in the counties of Greene and Marengo;

Joint resolutions proposing to amend article 4, sec. 23, of the Constitution, to elect the comptroller and treasurer biennially.

The bills:

To accept a grant of land to the State of Alabama, by an act of Congress, approved June 3, 1856;

To incorporate the Shelby County Iron Manufacturing company;

In relation to taking the deposition of witnesses.

Also the following House bills:

To authorize the voters of Coffee county to elect a tax collector; and

To change the time of holding the circuit courts of the counties of Blount, Walker, Marion and Fayette.

The Senate bills: For the relief of Wm. P. Ashley;

For the relief of certain persons therein named;

To authorize the several courts of county commissioners to regulate the pay of jurors.

To provide for the pay of commissioners of roads and revenue for Coffee county;

To regulate the tax fees of jurors in the county of Coffee;

To accept the grant of land by Congress to the Coosa and Chattooga Railroad;

For the relief of Benjamin B. Avery of Chambers county;

To change the term of office of apportioners in the counties of Greene and Marengo,

Joint resolutions to amend article 4, section 23, of the Constitution, so as to elect the comptroller and treasurer biennially;

To accept a grant of land to the State of Alabama, and to carry into execution the trust conferred upon the State of Alabama, by an act of Congress, entitled an act granting public lands in alternate sections to aid in the construction of certain railroads in said State, approved June 3, 1856.

In relation to the taking of deposition of witnesses;

For the relief of the trustees of the estate of Louisa H. Stringfellow, deceased; were severally read, and ordered to a second reading.

The Senate bill:

To incorporate the Shelby County Iron Manufacturing company, was read; and,

On motion of Mr. Morgan, the constitutional rule was suspended, and the same was read the second time forthwith.

Mr. Smith, of Lauderdale, moved to refer the bill to the committee on Corporations.

Said motion was lost,

Mr. Coleman moved to amend by striking out "three," and inserting "one" in section eight. Lost.

Mr. Morgan moved to suspend the constitutional rule in order to give the bill a third reading.

Mr. Smith, of Lauderdale, demanded the yeas and nays; and,

The motion to suspend was lost, four-fifths not voting in the affirmative.

Yeas 41, nays 27.

Yeas—Messrs. Aldridge, Bell of Talladega, Bennett, Boatright, Brewer, Clarke, Clayton, Cullum, Dillard, Eustace, Hale, Hammonds, Herndon, Houston, Jackson, Jeter, Jones, Kennedy, Little, Mabry, Mardis, McCall, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nelson, Parker, Powell, Pynes, Remson, Richardson of Monroe, Slade, Smith of Jefferson, Staton, Stiff, Thompson, Walden, Williamson and Wright—41.

Nays—Messrs. Allen, Baugh, Bradley, Brock, Brock of Marion, Bulger, Chamberlain, Cloud, Coleman, Denman, Drummond, Espy, Griffin, Irby, Johnston of Tallapoosa, Majors, Martin of Dale, Reedus, Register, Reid, Richardson of Cherokee, Scarborough, Simpson, Smith of Lauderdale, Tait, Warren and Weaver—27.

Mr. Griffin moved to reconsider the vote by which the House

refused to adopt the amendment offered by Mr. Coleman, and the motion prevailed.

The question then recurred upon the adoption of the amendment offered by Mr. Coleman.

Mr. Griffin called for a division of the question.

The question first was upon striking out, and the same was lost, and the bill ordered to be engrossed.

Message from the Senate, by Mr. Phelan :

Mr. Speaker : The Senate has originated and passed bills of the following titles :

To give the probate judge of St. Clair county jurisdiction over the estate of John Dollar, late of Tuskalooosa county, deceased ;

For the relief of the trustee of the estate of Louisa H. Stringfellow, deceased ;

To amend an act entitled an act to enable Silas Morphew of the county of Walker, to erect a dam therein named ;

Also, has passed House bill to authorize justices of the peace to apportion hands on the roads in Pickens county, as amended by the Senate.

The House concurred in Senate amendment to the House bill to authorize justices of the peace to apportion hands on the roads in Pickens county.

The Senate bills :

To amend an act to enable Silas Morphew of the county of Walker, to erect a dam therein named ;

For the relief of Lawrence S. Banks, of the county of Morgan ; were severally read, and ordered to a second reading.

The Senate bill :

To give the probate judge of St. Clair county jurisdiction over the estate of John Dollar, late of Tuskalooosa county, deceased, was read, and the constitutional rule being suspended, the same was read the second time forthwith and passed.

The House bills :

To fix the mode of conveying estates of husband and wife, and for other purposes ;

To amend section 1953 of the Code of Alabama ;

To amend the law in relation to justices courts ;

Authorizing the filing of bills in chancery in certain cases ;

To amend the law of appeals from circuit and chancery courts ;

To amend section 2471 of the Code ;

To amend the law as to days of grace on bills of exchange ;

To amend section 2182 of the Code of Alabama ;

To amend section 1708 of the Code of Alabama ;

To amend section 1923 of the Code of Alabama ;

To amend section 1910 of the Code of Alabama;  
 To amend section 2419 of the Code of Alabama;  
 For the relief of James H. Daughdrill, Elisha B. Lot, and  
 Henry Hunt, tax collectors of Mobile county;  
 To amend section 1698 of the Code of Alabama;  
 To amend section 1881 of the Code of Alabama;  
 To repeal and substitute sections 1911 and 192 of the Code of  
 Alabama;

To better ascertain the advancements to legatees or distribu-  
 tees by the testator or intestate in his life time;

To amend the law in relation to summoning of witnesses to  
 the circuit court of Marengo county;

Providing by whom cost is to be paid in certain cases;

To amend section 712 of the Code of Alabama;

To require persons instituting suits against administrators of  
 deceased persons, to give security for costs;

To regulate the duties of the sheriffs of the several counties  
 in this State therein named;

To amend section 2318 of the Code;

To extend the duty of the commissioners court of DeKalb  
 county;

To make Margaret Lucinda Cain, of the county of Franklin,  
 a free dealer; were severally read the second time, and referred  
 to the committee on the Judiciary.

The bills:

To exempt burying grounds from sale under execution or  
 other legal process;

For the relief of David C. Webb, of Cherokee county;

To divorce Nancy Allen from her husband, Julius Allen, and  
 to divorce other persons therein named;

To compensate John W. Clark, of Barbour county;

To increase the jail fees for runaway slaves in the county of  
 Marion;

To repeal an act therein named, approved February 18, 1854,  
 so far as the county of Lawrence is concerned;

To authorize the probate judge and county commissioners of  
 Coffee county to establish new beats in said county;

To increase the pay of the members of the commissioners  
 court of roads and revenue of the county of Covington;

To require certain duties of justices of the peace, in the coun-  
 ty of Fayette;

To regulate the pay of commissioners for the county of Han-  
 cock; were severally read the second time and ordered to be en-  
 grossed.

The bills:

For the relief of O. P. NeSmith of Lawrence county ;

For the relief of E. P. Mitchell and F. R. Jones, of the county of Coosa ;

To prevent camp hunting in Clarke county, by certain persons therein named ; were severally read the second time, and referred to the committee on Propositions and Grievances.

The bills :

Requiring auctioneers to take out license ;

To incorporate the Citronelle and McIntosh Bluff Plankroad company ;

To incorporate the Baldwin and Perdido Railroad company ;

To amend the several acts incorporating the town of Tusculumbia, in Franklin county ;

To incorporate the trustees of the synod of Alabama ; were severally read the second time, and referred to the committee on Corporations.

The bills :

To create and establish election precincts in this State ;

To establish a new election precinct in Marshall county, and for other purposes ; were severally read the second time, and referred to the committee on Privileges and Elections.

The bill :

To prevent frauds on the revenue and for other purposes, was read the second time and referred to the committee on Ways and Means.

The bill :

To compensate Isaac W. Pollard, was read the second time and referred to the committee on Accounts and Claims.

The bill :

For the use of certain persons therein named, was read the second time, and ordered to be engrossed.

Mr. Walden moved to suspend the business before the House to allow him to make a report from the select and joint committee upon the two and three per cent. fund.

Lost.

The bill to amend an act entitled an act to extend the charter of the Mobile Bank, was read the second time and referred to the committee on Banks and Banking ;

The bill to accept the grant of land to the State of Alabama, and to carry into execution the trust conferred upon the State of Alabama, by an act of Congress, entitled an act making a grant of land to the Territory of Minnesota, in alternate sections, to aid in the construction of certain railroads in said Territory, and granting lands in alternate sections to the State of Alabama, to aid in the construction of a certain railroad in said

State, approved March 3, 1857; was read twice and referred to the committee on Internal Improvements;

The bill to incorporate the Cahaba Rifles; was read the second time and referred to the committee on Military Affairs;

The bill to exempt practicing physicians from road duty; was read the second time and referred to the committee on Roads, Bridges and Ferries.

The hour of half past 1 o'clock having arrived, the House stood adjourned until half past 3 o'clock.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Brewer moved to suspend the business before the House for the purpose of offering a resolution in regard to the public printers.

The House refused to suspend.

Mr. Walden moved to suspend the business before the House to allow him to make a report from the select joint committee upon the two and three per cent. fund.

The motion prevailed, and Mr. Walden made the following

#### R E P O R T :

The joint select committee to which was referred the subject of the two and three per cent funds, asks leave to report—

That before inquiring what amounts have been received by the State on account of these funds, and the appropriations made therefrom, it was thought proper to give a condensed statement of their origin, also the trusts and conditions upon which the State of Alabama received them from the general government, although not directly required by the resolutions under which this committee was raised.

The third proposition in the sixth section of the act passed by the Congress of the United States on the 2d day of March, 1819, "to enable the people of Alabama Territory to form a Constitution and State government, and for the admission of such State into the Union," is as follows: "That five per cent. of the nett proceeds of the public lands lying within said territory, and which shall be sold by Congress from and after the 1st day of September, in the year 1819, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, and improving the navigation of rivers, of which three-fifths shall be applied to those objects within the State, under the direction of the Legislature thereof; and two-fifths in the mak-

ing of a road or roads leading to said State, under the direction of Congress."

The people of the territory, by their representatives assembled in convention at Huntsville, on the 5th July, 1819, under said act, to form themselves "into a free and independent State by the name of the State of Alabama, by ordinance adopted by said convention on the 2d August of the same year, declared irrevocable without the consent of the United States," surrendered to the general government all right and title to the unappropriated lands lying within this State, and for and in behalf of the people inhabiting this State, accepted the propositions offered by the act of Congress, under which they are assembled."

By the terms of this grant and acceptance, therefore, three-fifths of this five per cent fund was to be disposed of by the State government, and two-fifths by the general government, hence, it is called the Three and Two Per Cent Funds.

Thus they continued until 1841, when, by act of Congress of 4th September, the two per cent fund was relinquished to the State on the terms and conditions that "the whole of the said two per cent fund shall be faithfully applied, under the direction of the legislature of Alabama, to the connection by some means of internal improvement, of the navigable waters of the bay of Mobile with the Tennessee river, and to the construction of a continuous line of internal improvement from a point on the Chattahoochee river, opposite West Point, in Georgia, across the State of Alabama, in a direction to Jackson, in the State of Mississippi."

It is not questioned that Congress had the right thus to change the direction of the two per cent fund, as the legislature of this State, by an act approved 29th December, 1841, accepted the relinquishment on the terms and conditions in the 17th section of said act of Congress expressed, and declared that "so far as relates to the faithful application of said two per cent fund to the purposes aforesaid, this act is hereby declared unalterable, without the consent of Congress."

Thus, by these acts, the State becomes sole trustee for the "faithful application" of both funds—for the three per cent, as originally granted and received, the two per cent on the terms and conditions imposed by said act of Congress, and accepted by the State.

#### THREE PER CENT FUND.

Your committee first examined into the condition and amount of the three per cent fund.

By virtue of the 3d section of the act of 29th December, 1823, "to establish the Bank of the State of Alabama," this fund became a part of the capital stock of the Bank; said act declares that "the faith and credit of the State are hereby pledged to supply any deficiency in the funds hereinafter specifically pledged, and to give indemnity for all losses arising from such deficiency," and further, that "the moneys which may arise from the three per cent fund granted to this State by the Congress of the United States, shall constitute a part of the capital of said Bank, and shall be so vested, as the same may be received by this State; and the nett proceeds or banking dividends of said capital shall be applied to the making of roads and canals, and improving the navigation of the rivers within this State, or be so vested as to augment the capital, until such application shall be directed by law."

Under this act the whole amount received on account of this fund, up to the 9th June, 1841, was paid into the Bank. It was found that the amount, as stated by the Bank and by the United States Treasury Department, does not entirely harmonize, and the committee was finally relieved from expending any more time in the fruitless endeavor to reconcile them, by ascertaining that the whole matter of this fund, from the 1st September, 1819, to the 31st December, 1848, had been revised and adjusted through J. F. Jackson, appointed agent under joint resolutions of 31st January, 1850, and a large amount was paid to the State under this adjustment previous to the statement from the United States treasurer.

Satisfied, therefore, that the amount received by the State as stated from the books of the treasury department at Washington is correct, we herewith present a tabular statement (No. 1) showing, in detail, the amount paid to the State on account of this fund, and the time when paid, also the sums appropriated from this fund. From this it will be seen that the whole amount received is.....\$590,185 03

Paid to State Bank up to 9th June, 1841, whilst the recipient and controlling the same.....	\$353,831 99
From that period the government has paid on account of same, as made up to 17th September, 1857.....	236,353 04—590,185 03

Under the act of 20th December, 1823, to establish the Bank, it appears dividends were declared and credited on the books of the Bank to this fund, from 9th November, 1826, to 8th



November, 1834, amounting to . . . .	104,858 30—104,858 30
Total . . . . .	<u>\$695,043 33</u>

After the last named date, no more dividends were declared to the credit of this fund, because by the act of 10th January, 1835, the profits of the State Bank and Branches (exceeding the expenses of the State government and the interest on the State bonds,) on all funds excepting the University fund, were "set apart," and denominated a "Sinking Fund."

The late comptroller says, and so we find, that "whatever dividends were declared on the three per cent fund after the passage of the act of 1835, were carried to the credit of the Sinking Fund, and the appropriations made to internal improvements from it, were debited to this fund." Thus, of the profits credited to the Sinking Fund, the following appropriations for objects of internal improvements have been made and paid by the Bank, viz :

By act of 19th December, 1847, for improving the navigation of the Coosa river . . . . .	\$30,000 00
By act of 1st. February, 1839, for same purpose..	30,000 00
Act 20th December, 1837, to improve the Tombigbee . . . . .	25,000 00
Act 1st February, 1839, to improve Paint Rock.	10,000 00
Act of same date, to improve the Black Warrior.	20,000 00
Act of 2d February, 1839, to improve the Choc-tahatchee . . . . .	10,000 00
Act of same date, to improve Elk river . . . . .	10,000 00
	<u>135,000 00</u>

Statement No. 1 shows that their has been paid from this fund as follows :

To Jack Shackelford and others, commissions for reviewing roads in 1823, '24 and '26, under acts of 1821, '23 and '24 . . . . .	1,372 00	
To I. Johnson and R. Woods, for same..	48 00	1,420 00
To Alabama and Tennessee River Railroad company, by act 4th February, 1850 . . . . .	90,603 17	
To Tennessee and Coosa Railroad company, same act . . . . .	20,908 42	111,511 59
Removing obstructions in Coosa river . . . . .		2,500 00
Improvements in Tombigbee river, act 6th February, 1852 . . . . .		20,000 00

To agents for collecting and adjusting the fund at Washington city.....	22,486 16
	<hr/>
	157,917 75

These payments deducted from the entire fund,  
(695,048 33) leave due this fund..... 537,125 58

An act 17th February, 1854, advances from this  
fund, and upon certain conditions, to the Ten-  
nessee and Coosa Railroad, none of which, as  
yet, paid.....250,000 00

Leaving unappropriated.....287,125 58    537,125 58

The act of 4th February, 1850, appropriating \$100,000 "for  
the purpose of making a continuous and unbroken chain of rail-  
road from the Alabama to the Tennessee river, divides the route  
into three sections, and the money is "allotted pro rata to said  
three sections, according to distance."

The first section, from the Alabama to the Coosa river, in the  
direction of Talladega.....87,068 miles.

The second sections from that point to Gadsden..82,003 miles.

These two sections comprise the Alabama and Ten-  
nessee River Railroad company.

The third section is from Gadsden to the Tennes-  
see river, and is the Tennessee and Coosa Rail-  
road.....38,990 miles.

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208,056 miles.

Dividing, \$100,000, pro rata, gives to each mile \$480 63 63 $\frac{1}{2}$ .

Avoiding fractions, the 1st section is en-

titled to.....	41,845 00	
Second section is entitled to.....	39,415 00	
Third " " ".....	18,740 00	100,000 00

1st section has received May 3d, 1851..25,679 71

" " " " 8, 1855..20,962 15    46,641 86

2d " " " 5, 1852..24,203 87

" " " " 8, 1855..19,757 44    43,961 31

3d " " Feb. 18, 1856, (Tennessee  
and Coosa,)..... 20,908 42

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\$111,511 59

Showing an over payment of \$11,511 59 from this appropria-  
tion.

As required by the 3d and 6th sections of said act, bonds  
have been given and certificates of stock issued to the State for  
the entire amount so received by said companies. To that ex-

tent, therefore, she is interested as a stockholder, incurring, however, no liabilities.

*The State of Alabama in account with the Three Per Cent Fund.*

[No. 1.]

		<b>Dr.</b>	
1821	September 30	To amount received from the United States.....	\$ 950 00
1822	January 29	To amount received from the United States.....	850 00
1824	May 1	To amount received from the United States.....	32,969 00
1825	June 3	To amount received from the United States.....	10,753 66
1826	August 26	To amount received from the United States.....	12,958 28
1827	January 24	To amount received from the United States.....	5,085 23
	June 6	To amount received from the United States.....	1,454 14
1828	January 15	To amount received from the United States.....	3,011 58
	August 4	To amount received from the United States.....	1,621 11
	October 10	To amount received from the United States.....	692 95
1831	February 11	To amount received from the United States.....	15,155 37
1832	April 27	To amount received from the United States.....	26,081 11
1833	November 23	To amount received from the United States.....	19,790 62
1834	November 29	To amount received from the United States.....	25,219 22
1836	June 16	To amount received from the United States.....	57,000 00
	" "	To amount received from the United States.....	42,166 86
	" 17	To amount received from the United States.....	20,000 00
	August 25	To amount received from the United States.....	11,500 00
	November 1	To amount received from the United States.....	10,500 00
	December 14	To amount received from the United States.....	4,000 00
1837	January 12	To amount received from the United States.....	4,600 00
	February 17	To amount received from the United States.....	16,400 00
	" "	To amount received from the United States.....	1,400 00
	March 20	To amount received from the United States.....	1,350 00
	June 7	To amount received from the United States.....	8,900 00
	" 13	To amount received from the United States.....	150 00
	September 29	To amount received from the United States.....	12 00
	" "	To amount received from the United States.....	1,300 00
1841	June 9	To amount received from the United States.....	17,909 76
1847	October 27	To amount received from the United States.....	21,574 56
1848	August 9	To amount received from the United States.....	2,532 04
1849	June 30	To amount received from the United States.....	5,903 11
1850	February 23	To amount received from the United States.....	58,905 90
1852	April 19	To amount received from the United States.....	13,940 06
1853	February 9	To amount received from the United States.....	8,325 10
	October 4	To amount received of J. F. Jackson, agent.....	126 60
1854	May 6	To amount received from the United States.....	6,116 80
	December 7	To amount received from the United States.....	9,988 58
1855	April 14	To amount received from the United States.....	65,451 57
1856	March 7	To amount received from the United States.....	16,295 38
1857	September 14	To amount received from the United States.....	15,643 06
		To amount received by J. F. Jackson, agent, at Washington, as commissions.....	11,550 28
		To aggregate amount of dividends declared by the State Bank on amounts transferred to capital stock.	104,858 30
			<b>\$695,043 33</b>

*The State of Alabama in Account with the Three Per Cent Fund.*

[No. 1—Continued.]

		<b>Cr.</b>	
	1823, 1824,	By amount paid various commissioners for reviewing roads under Acts of December 17, 1821, '22 and '24	\$1,372 00
	1826	Amount paid J. Lawler and R. Woods for reviewing roads, Acts '23 and '24.....	48 00
1851	June 30	Amount loaned Alabama and Tennessee River Rail Road.....	25,679 71
1852	May 5	Amount loaned Alabama and Tennessee River Rail Road.....	24,208 87
1854	February 2	Amount paid for removing obstructions in Coosa river, Act 2d February, 1854.....	2,500 00
		Amount paid for improvements in the Tombigbee river, Act 6th February, 1852.....	20,000 00
1855	April 26	Amount loaned Alabama and Tennessee River Rail Road.....	40,719 59
1856	February 18	Amount loaned Alabama and Tennessee River Rail Road.....	20,908 42
		Amount paid agents for adjusting this fund at Washington city.....	22,486 16
		Amount balance in hand of Commissioner and Trustee, now to credit of this fund.....	\$15,335 15
		Amount balance now in the treasury....	47,935 58
			\$222,188 48

## TWO PER CENT FUND.

By the 3d section of the act of 29th December, 1841, "accepting this fund," the cashier of the State Bank was authorized to receive the same on special deposit as it fell due. Then under the act of 9th February, 1852, the State treasurer became the receiver, and the State treasury liable for the same.

The amount received from the United States to November 12th, 1842, \$119,207 71, was, by joint resolution of 10th February, 1843, invested in United States treasury notes at 6 per cent interest, and then by virtue of the act of 16th January, 1844, said cashier converted said notes into United States five per cent stocks.

From these investments, including 4 per cent premium on \$60,400 00, transferred to the Montgomery and West Point Railroad company, \$2,416 00, after deducting charges for interest accumulated, premium and brokerage, this fund has accumulated to..... \$74,097 49

Thus: interest on treasury notes and  
stocks to January 1st, 1852.....\$37,348 33

Interest on same from 1st Jan., 1852, to July 1st, 1853.....	4,530 00	
	<hr/>	
	41,878 33	
Less charges, &c.....	11,070 75	
	<hr/>	
	30,807 58	
Add premium on \$60,400 00.....	2,416 00	
	<hr/>	
	33,223 58	
Int. for 5 years from Mont'ry and West Point Railroad company under first loan..	29,195 65	
Ditto extension of same—in- terest to March, 1857... 11,678 26	40,873 91	
	<hr/>	74,097 49
The whole amount received from the United States up to 14th Sept., 1857.....		393,743 46
		<hr/>
Making in the aggregate.....		\$467,840 95

The following appropriations have been made out of this fund :

To the Montgomery and West Point Railroad company, by act of 23d January, 1845.....	116,782 64	
This amount was loaned for ten years, with interest only for the last five years of the loan, at five per cent. per annum.		
This loan was extended by act of 17th February, 1854, for five years, at same rate of interest, and then to the Alabama and Mississippi Railroad company, on the same terms as originally loaned to the Montgomery and West Point Railroad company, which carries this loan forward to February, 1870, a period of 25 years from date of first loan, and drawing interest for 15 years of that period.		
Loaned to the Alabama and Mississippi River Rail- road company, by act of 9th February, '52 and paid 27th February, 1855.....	78,036 28	
Paid 8th May, 1855.....	21,963 72	100,000 00
This loan was for ten years, at five per cent. per annum after the first five years.		
Loaned Marengo Plank Road company, under the act of 9th February, 1850, "to dispose of the		

unappropriated portion of the two per cent fund,"	9,477 47
<hr/>	
Total to the route across the State, in a direction to Jackson, Mississippi.....	226,260 11
By act approved 4th February, 1850, one-half of the "two per cent fund, with its accumulations, together with so much of what the State may be entitled to on account of said fund, from any source, at the passage of this act," was appropriated "for the purpose of making a continuous and unbroken chain of railroad from the Alabama to the Tennessee river."	
Under this act there was paid to the Alabama and Tennessee Railroad company, (Selma to Gadsden) May 3d, 1851.....	65,961 73
May 5th, 1852.....	62,170 83
April 26, 1855.....	17,726 47
February 13th, 1856, to the Tennessee and Coosa Railroad, (Gadsden to Tennessee river).....	33,513 25
<hr/>	
Making the amount appropriated to the entire route, from the Alabama to the Tennessee river, and for which certificates of stock have been issued to the State.....	179,372 28
Paid agents for adjusting this fund at Washington.....	15,851 08
<hr/>	
Whole amount loaned and appropriated.....	421,483 47
Balance in treasury 14th Sept., 1857.....	46,357 48
<hr/>	
Total.....	467,840 95

The loan of 13th December, 1853, to the Cahaba and Woodvill Plank Road company for \$13,386 93, is not included in either of the foregoing statements, for the reason that the same was refunded 21st January, 1856.... \$10,386 93

And 12th May, 1857..... 3,000 00 13,386 93  
as is shown in table No. 2.

This amount added to the above, would make the total correspond with table No. 2, \$481,227 88.

It was shown in the former part of this report, that the three sections of the line of railroads from the Alabama to the Tennessee river, had received from the three per cent. fund \$11,511 59, more than seemed to be covered by the act of 4th February, 1850, and that said roads had issued stock to the State for the same.

From the above statements of appropriations from the two

per cent fund, it also appears that, whilst the route across the State in a direction to Jackson, Miss., has received \$226,260 11  
 The route from the Alabama to the Tennessee river 179,372 28

---

Showing an excess over one-half against the first route, of..... 56,887 83  
 For this the roads on that line have given bond, and are paying interest.

It might be borne in mind too, that the fund has been increased from the interest paid by one of those roads upon loans from this fund, to the amount of \$40,873 91.

The province of the committee only extends to a suggestion of these facts. It is for the legislature to determine whether these over-payments shall be legalized, or the companies required to refund the proportion each has received.

From this review, it will be seen the State has disposed of all the two per cent as yet received, unless it is the balance of \$46,357 48, now in the treasury, and has thus far, with that high sense of honor which has ever characterized her, instead of hoarding, promptly carried out her pledged faith when she became the recipient of this fund. At the same time she has been already largely the gainer, by increasing the receipts into her treasury, as well as the facilities of transportation and communication to her citizens—stimulating their industry and opening new fields to their enterprise. Though the amount is small compared with the cost of any great work, these funds are unquestionably the basis upon which some of our works of internal improvements rest.

The committee has traced these funds through all the acts of the legislature, from the origin of the State up to the present time, and if any act bearing materially upon them has escaped attention, it has not arisen from a want of careful examination.

The State is the trustee for these funds—is she not, by well established legal principles, equally as liable for the interest upon the amount received as for the principle itself? Upon this suggestion an interest account was commenced, but finally, abandoned, because it would have taken too much time from other duties, and because it was concluded best to leave this question to be settled by the legislature, in such manner as should be deemed just.

In the tables attached, taken from the books in comptroller's office, it will be noticed the amounts paid both from the three and two per cent funds to the Alabama and Tennessee River Railroad company, and to the Tennessee and Coosa Railroad company, are put down as "loaned." In this report the word

"appropriated" is used, as these companies are only required to give bond for the faithful application of the money so paid, and to issue stock to the State for the same, as before shown.

*The State of Alabama in account with the Two Per Cent Fund.*

[No. 2.]

		<b>Dr.</b>	
1842	November 12	To amount received from the United States.....	\$119,207 77
1843	October 9	To amount received from the United States.....	94,297 43
1844	April 19	To amount received from the United States.....	3,467 90
		To amount received from the United States.....	6,120 34
1848	August 9	To amount received from the United States.....	21,443 17
	August 9	To amount received from the United States.....	7,423 50
1849	June 30	To amount received from the United States.....	3,935 40
1850	February 23	To amount received from the United States.....	45,006 09
1851	September 29	To interest on Montgomery and West Point Rail Road Company's bonds.....	5,839 13
1852	April 19	To amount received from the United States.....	3,557 90
1853	January 26	To amount received from F. S. Lyon.....	1,510 00
	February 9	To amount received from the United States.....	5,550 07
	March 28	To amount received from F. S. Lyon.....	3,020 00
	September 30	To interest from Montgomery and West Point Rail Road.....	11,678 26
	October 4	To amount received from J. F. Jackson.....	371 17
	November 26	To amount received from F. S. Lyon.....	1,510 00
1854	May 9	To amount received from the United States.....	4,077 87
	December 7	To amount received from the United States.....	6,659 05
1855	February 20	To interest from Montgomery and West Point Rail Raad Company.....	11,678 26
	April 14	To amount received from the United States.....	43,634 39
1856	January 21	To amount received from the Cahaba and Woodville Plank Road Company.....	10,386 93
	March 7	To amount received from the United States.....	10,863 59
		To amount received from Montgomery and West Point Rail Road Company.....	5,839 13
1857	May 12	To amount received from the Cahaba and Woodville Plank Road Company.....	3,000 00
	August 24	To amount received from Montgomery and West Point Rail Road Company.....	5,839 13
	September 14	To amount received from the United States.....	10,428 70
		To amount received by J. F. Jackson, agent at Washington.....	7,700 18
		To accumulation of interest on U. S. five per cent. stocks before the treasury was made the custodi- an of this fund.....	27,133 48
			<b>\$481,227 88</b>



*The State of Alabama in account with the Two Per Cent Fund.*

[No. 2—Continued.]

		<b>Cr.</b>	
1845	March	1	By amount loaned to the Montgomery and West Point Rail Road Company.....\$116,782 64
1851	May	3	By amount loaned the Alabama and Tennessee River Rail Road Company..... 65,961 73
1852	May	5	By amount loaned to same..... 62,170 83
1852	June	12	By amount loaned the Cahaba and Woodville Plank Road Company..... 13,386 93
1853	December	13	By amount loaned to Marengo Plank Road Company 9,477 47
1855	February	27	By amount loaned the Alabama and Mississippi Rail Road Company..... 78,036 28
1855	April	26	By amount loaned the Alabama and Tennessee Rail Road Company..... 17,726 47
1855	May	8	By amount loaned the Alabama and Mississippi Rail Road Company..... 21,968 72
1856	February	18	By amount loaned the Alabama and Tennessee Rail Road Company..... 33,513 25
			By amount paid agent for adjusting this account at Washington..... 15,851 08
			By balance in treasury..... 46,357 48
			\$481,227 88

All of which is respectfully submitted.

JOHN S. STORRS,  
Chairman on the part of the Senate.  
R. N. WALDEN,  
Chairman on the part of the House.

On motion of Mr. Jones the report was laid on the table.

Mr. Goode moved to suspend all the business before the House to allow him to make a report from the committee on Propositions and Grievances.

The motion prevailed, and Mr. Goode reported adversely to the bill for the relief of Charlotte Ellis, of Greene county.

On motion of Mr. Hale, the report of the committee was laid on the table.

Mr. Goode moved to amend the bill as follows:

That the provisions of this bill shall be extended to all females over the age of eighteen years in this State.

Mr. Hale moved to lay the amendment on the table.

Mr. Goode called the yeas and nays.

Carried.

Yeas 73, nays 3.

Yeas—Messrs. Speaker, Aldridge, Allen, Baugh, Bell of Talladega, Boatright, Bradley, Brock, Browder, Brown of Ma-

rion, Brown of Tuskalooſa, Bulger, Calfee, Chamberlain, Clarke, Clayton, Cloud, Coleman, Cullum, Denman, Dillard, Drummond, Edwards, Eustace, Griffin, Hale, Hammonds, Herndon, Hobbs, Houston, Irby, Jackson, Jeter, Johnston of Perry, Jones, Kennedy, Little, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scott, Sheffield, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Talley, Tait Thompson, Walden, Weaver, Williamson and Wright—73.

Nays—Messrs. Bennett, Espy and Goode—3.

Mr. Goode moved to indefinitely postpone the further consideration of the bill, and called the yeas and nays. Lost.

Yeas 1, nays 73.

Yeas—Mr. Eustace.

Nays—Messrs. Aldridge, Allen, Baugh, Bell of Talladega, Brewer, Boatright, Brock, Browder, Brown of Marion, Brown of Tuskalooſa, Bulger, Clarke, Clayton, Cloud, Coleman, Cullum, Denman, Edwards Espy, Flournoy, Goode, Griffin, Hale, Hammonds, Herndon, Hobbs, Holly, Houston, Irby, Jeter Johnston of Perry, Johnston of Tallapoosa, Jones, Kennedy, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Parker, Powell, Pynes, Reedus, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Talley, Tait, Thompson, Walden, Warren, Williamson, Wright—73.

Mr. Hale called the previous question.

Mr. Bell, of Talladega, moved to adjourn.

Lost.

Mr. Goode moved a call of the House.

Mr. Staton moved to lay the motion of Mr. Goode on the table; and,

Mr. Goode demanded the yeas and nays.

Carried.

Yeas 72, nays none.

Yeas—Messrs. Speaker, Adams, Aldridge, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskalooſa, Bulger, Chamberlain, Clarke, Clayton, Cloud, Colbert, Coleman, Denman, Dillard, Edwards, Espy, Eustace, Flournoy, Griffin, Hale, Hammonds, Harris, Herndon, Higgins, Hobbs, Holly, Houston, Irby, Jack-

son, Jeter, Johnston of Perry, Jones, Kennedy, Little, Mabry, Majors, Mardis, Martin of Dale, McRae, Morgan, Murphy of Henry, Nabors, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Register, Reid, Richardson of Cherokee, Scarborough, Scott, Sheffield, Slade, Smith of Coosa, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Tait, Thompson, Walden, Weaver, Williamson and Wright—72.

Nays—none.

The previous question was then sustained, and the bill was ordered to be engrossed for a third reading on to-morrow.

Message from the Senate by Mr. Phelan:

Mr. Speaker: the Senate has originated and passed the following bills:

An act to authorize the judge of the probate court, of Lawrence county, to appoint Wm. S. Puryear administrator of the estate of William Puryear, late of said county, deceased; which bill was read, and the constitutional rule being suspended, the same was read the second and third times forthwith and passed.

House bills:

For the relief of William F. Butler, of Shelby county;

To provide for the administration on the estate of John Cook, deceased;

To authorize Lemuel A. Gilkey, judge of probate for Pickens county, to act as guardian of Walter M. Gilkey, a minor;

To amend the act of February 18, 1856, authorizing the issuance of attachments out of chancery courts;

For the relief of witnesses and jurors in certain cases therein specified; were severally read the third time and passed.

The Senate bill:

To authorize executors, administrators and guardians to collect compound interest in certain cases, was read the third time.

Mr. Goode moved to lay the bill on the table. Lost.

The bill was then passed.

On motion of Mr. Hale the title of the bill was amended by striking out the words "executors, administrators and."

The engrossed bill:

In relation to costs in criminal cases in which the venue is changed, was read the third time and under consideration when the hour of 5 o'clock arrived, and the House stood adjourned until to-morrow morning, at half past 9 o'clock.

WEDNESDAY, January 13th, 1858.

House met pursuant to adjournment.

Journal of yesterday read, corrected and approved.

Mr. Speaker laid before the House a record of divorce, which was referred to the committee on Divorce and Alimony.

Mr. Browder moved to suspend regular order of business to allow him to introduce a bill.

Carried.

Mr. Browder then introduced a bill to be entitled an act to provide for staying executions in certain cases; which was read, and the constitutional rule being suspended was read the second time forthwith.

Mr. Griffin moved to amend by striking out "six months" and inserting "twelve months."

Mr. Molton moved to amend amendment by striking out "twelve months" and inserting "twenty-four months."

Mr. Bulger, a substitute as follows:

SECTION 1. That all judgments and executions now existing, or hereafter to be obtained before the first day of November next, may be staid six months from the rendition of such judgment, upon defendant entering into bond with good and sufficient security to the plaintiff in double the amount of his judgment and cost, for the faithful payment of such judgment at the expiration of such stay.

Mr. Murphree, of Pike, moved to amend said substitute as follows:

*Provided*, The provisions of this act shall not apply to suits in justices' courts.

Mr. Bulger moved to refer the whole matter to a select committee of one from each Congressional district of this State.

Mr. Irby moved to lay bill and amendments on the table; and,

Mr. Browder called the yeas and nays.

Lost.

Yeas 32, nays 53.

Yeas—Messrs. Bell of Franklin, Bradley, Brewer, Brown of Tuskaloosa, Clarke, Cloud, Denman, Dillard, Drummond, Eustace, Hale, Harris, Herndon, Higgins, Hobbs, Houston, Irby, Jackson, Jones, Kennedy, Mabry, Majors, Mardis, McCall, Molton, Murphy of Henry, Powell, Reedus, Reid, Slade, Smith of Coosa and Williamson—32.

Nays—Messrs. Speaker, Aldridge, Baugh, Bell of Talladega, Bennett, Boatright, Brock, Browder, Brown of Marion, Bulger, Calfee, Chamberlain, Clayton, Coleman, Edwards, Espy, Flournoy, Goode, Griffin, Hammonds, Holly, Jeter, Johnson of Tallapoosa, Little, Martin of Dale, Martin of Talladega, McRae, Morgan, Murphree of Pike, Nabors, Neal, Nelson, Parker, Pennington, Pynes, Register, Remson, Richardson of Cherokee,

Richardson of Monroe, Scarborough, Sheffield, Simpson, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Talley, Tait, Thompson, Walden, Warren, Weaver and Wright—53.

The question then recurred upon the motion of Mr. Bulger to refer, and the same prevailed.

Mr. Williamson, from the committee on Enrolled Bills, to whom was referred the following bills, find them correctly enrolled :

A bill :

To be entitled an act in regard to the probate judgeship and circuit clerkship of Marion county ;

A bill :

To be entitled an act to repeal an act entitled an act to make the circuit court judges rotate throughout the State and for other purposes ;

A bill :

To be entitled an act to repeal an act approved February 5, 1840, in relation to justices in Pike county ;

A bill :

To be entitled an act to elect the county surveyor of Talladega county by the voters of said county, and the surveyor of Madison county ;

A bill :

To be entitled an act to change the times of holding the circuit courts of the counties of Blount, Walker, Marion and Fayette ;

A bill :

To be entitled an act to authorize the voters of Coffee county to elect a tax collector ;

A bill :

To be entitled an act to authorize the administrator of Richard Morton, deceased, late of Autauga county, to sell the negro property belonging to said estate.

Mr. Walden moved to suspend consideration of reports of committees to take up bills on their second reading. Carried.

The bill :

To authorize the intendant of the town of Decatur, in the county of Morgan, to subscribe to the capital stock of the Tennessee and Alabama Central Railroad and for other purposes, was read the second time and referred to the committee on Corporations.

The bill :

For the relief of tax payers of this State and for other purposes, was read the second time, and referred to the committee on Ways and Means.

The bills :

To protect real estate sold for taxes ;

To regulate the separate estate of married women, and to make them liable in courts of law, &c. ;

Requiring constables to advertise personal property levied on, ten days previous to sale ;

To regulate the fees of the judge of probate of Pickens county ;

To amend the criminal law ;

To repeal an act entitled an act to amend the law in relation to justices of the peace in the city and county of Mobile, and to make further provisions in relation thereto ;

To extend the jurisdiction of the probate court in certain cases ; were severally read the second time and referred to the committee on the Judiciary.

The bill :

To compensate persons for apprehending fellows at large, and fugitives ; was read the second time and referred to the committee on Propositions and Grievances.

The bill :

For the relief of purchasers of fractional township 10, range 2, in Coosa land district, was read the second time and referred to the committee on Sixteenth Sections.

The bill :

For the relief of Aaron Green, was read the second time and referred to the committee on Propositions and Grievances.

The bill :

To amend the act to incorporate the Madison Rifles, was read the second time and referred to the committee on the Military.

The bill :

To allow James Torberts, of Macon county, to pay taxes on his real estate in Russell county to the tax collectors of Macon county, was read the second time.

Mr. Flournoy moved to amend by adding the name of James W. Echols.

Mr. Williamson moved to amend as follows :

Amend by extending the provisions of this bill to R. S. Dudley, of Lowndes, allowing him to pay tax in said county on that portion of his real estate lying in the county of Dallas.

Said amendments were severally adopted, and the bill referred to the committee on Ways and Means.

Mr. Bulger, the following rule :

When bills are read the second time in this House, the Speaker shall order it referred to an appropriate committee if there be no objection raised.

Mr. Remson moved to reconsider the action of the House by

which the bill for the relief of Aaron Green was referred to the committee on Propositions and Grievances.

Said motion prevailed and Mr. Remson moved that the bill be referred to the committee on Sixteenth Sections, and the same was so referred.

The joint resolutions to amend the Constitution of the State of Alabama, were read the second time and referred to the committee on Constitutional Amendments.

The bill :

To protect the citizens of Mobile and Baldwin counties in the enjoyment of their oyster beds, was read the second time.

Mr. Mardis moved to amend as follows :

*Provided*, The provisions of this act shall only apply to such beds as are actually planted by the individuals interested in the bill.

Mr. Warren moved to lay the amendment on the table, and the motion prevailed and the bill ordered to be engrossed.

Message from the Senate :

Mr. Speaker : The Senate has originated and passed the following bill :

To amend an act to enable Silas Merphew, of Walker county, to erect a certain dam therein named ;

An act to provide for annual sessions of the General Assembly and for annual elections of representatives thereto.

The Senate bill :

To amend an act to enable Silas Merphew, of Walker county, to erect a certain dam therein named, was read and ordered to a second reading.

The Senate bill :

To provide for annual sessions of the General Assembly and for annual elections of representatives thereto, was read, and the constitutional rule being suspended (on motion of Mr. Powell,) the same was read the second time forthwith and referred to a select committee of one from each judicial circuit.

The hour of 11 o'clock having arrived, the house proceeded to the consideration of special orders.

Mr. Irby moved to suspend the business before the House to take up the Senate bill to destroy the bills of the State Bank and Branches, and bills on their second reading.

The motion prevailed.

Yeas 76, nays 6.

Yeas—Messrs. Speaker, Aldridge, Allen, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Brock, Browder, Brown of Tuscaloosa, Bulger, Calfee, Chamberlain, Clayton, Colbert, Coleman, Denman, Dillard Drum-

mond, Echols, Edwards, Espy, Eustace, Flournoy, Griffin, Hale, Hammonds, Harris, Houston, Irby, Jackson, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Little, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Parker, Pennington, Pynes, Reedus, Register, Reid, Remson, Richardson of Monroe, Scarborough, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Talley, Tait, Warren, Weaver, Williamson and Wright.—76.

Nays.—Messrs. Brown of Marion, Clarke, Goode, Hobbs, Powell and Walden.—6.

The bill:

To destroy the bills of the State Bank and Branches, was then read the second time.

Mr. Hale moved that the bill be referred to the committee on the State Bank and Branches.

Mr. Irby moved to amend the bill by inserting "Branches" after the word "and" in the third line of first section.

Said amendment was adopted.

The question then was upon the motion of Mr. Hale, and the House refused to refer the bill.

Mr. Dillard moved to amend as follows:

*Be it further enacted,* That the treasurer have as many of said bills registered as convenient, by next Monday week, and all the bills so registered shall be burnt on that day in the presence of this body, on the capital ground in a fire prepared by the treasurer, and the public are invited to attend.

Mr. Johnston, of Perry, called the previous question, and the question being, "shall the main question be now put?" the same was decided in the affirmative.

Yeas 76, nays 10.

Yeas—Messrs. Speaker, Adams, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brewer, Brock, Browder, Calfee, Chamberlain, Clayton, Cloud, Colbert, Coleman, Cullum, Denman, Dillard, Drummond, Echols, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Higgins, Holly, Houston, Irby, Jeter, Johnston of Perry, Jones, Kennedy, Little, Mabry, Majors, Martin of Dale, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Parker, Pennington, Pynes, Register, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Randolph,



Staton, Stiff, Talley, Tait, Thompson, Warren, Weaver, Williamson and Wright—76.

Nays—Messrs. Brown of Marion, Brown of Tuscaloosa, Bulger, Clarke, Hobbs, Jackson, Mardis, Powell, Reedus and Walden—10.

And the bill was ordered to be engrossed for a third reading.

Mr. Irby moved to reconsider the vote just taken, and to lay that motion on the table.

Mr. Irby asked leave to withdraw his motion. Granted.

Mr. Johnston, of Perry, renewed it, and the same was carried.

Yeas 72, nays 13.

Yeas—Messrs. Speaker, Aldridge, Allen, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Brock, Browder, Calfee, Chamberlain, Clayton, Coleman, Cullum, Denman, Dillard, Edwards, Eustace, Flournoy, Goode, Griffin, Hammonds, Harris, Herndon, Higgins, Holly, Houston, Irby, Jackson, Jeter, Johnston of Perry, Jones, Kennedy, Mabry, Majors, Martin of Dale, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Parker, Pennington, Pynes, Register, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Sheffield, Slade, Smith of Coosa, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Talley, Tait, Thompson, Warren, Weaver, Williamson, Wright—72.

Nays—Messrs. Brown of Marion, Brown of Tuscaloosa, Bulger, Clarke, Espy, Hobbs, Johnson of Tallapoosa, Mardis, Nelson, Powell, Reedus, Simpson, Walden—13.

Joint resolutions proposing amendments to the constitution were read the second time and referred to the committee on Constitutional Amendments.

The bill:

For the repeal of an act therein named, was read the second time and referred to the committee on Education;

The bills:

To amend section 2462 of the Code;

More effectually to punish persons for a breach of trust; were severally read the second time, and referred to the committee on the Judiciary.

The bill:

For the relief of Walton Trainum was read the second time, and on motion of Mr. Jones, the constitutional rule was suspended, and the bill was read the second and third times and passed, and ordered to the Senate.

The bill:

To amend section 397 of the Code was read the second time and referred to the committee on the Judiciary ;

The bill :

To increase the pay of sheriffs in this State was read the second time.

Mr. Williamson moved to amend the bill by striking out "thirty cents" and inserting "thirty-five cents." Said amendment was adopted, and on motion of Mr. Williamson, the constitutional rule was suspended, and the bill read the second and third times forthwith and passed, and ordered to the Senate.

The bills :

To amend the law as to pilotage ;

Regulating the duties as to sheriffs of the State of Alabama ;

To alter and amend sections 901 and 902 of the Code of Alabama, in reference to the port and harbor of Mobile ;

To incorporate the Mobile and Nicaragua Steamship company ;

To regulate the fees of witnesses in criminal cases before justices of the peace ;

To amend section 1953 of the Code of Alabama ;

To release the tax on official seals of judges of probate ; were severally read the second time, and referred to the committee on the Judiciary.

The bill :

Declaring Gregory Anderson and L. L. Daniel citizens of Barbour county, was read the second time.

Mr. Staton moved to amend the bill as follows : Amend by adding Allen Reid of Walker county, a citizen of Blount county. Adopted.

Mr. Reid moved that the bill and amendment be referred to the committee on the Judiciary.

Lost.

Mr. Holly moved to amend by adding Alfred Hodges of Conecuh a citizen of Covington county. Said amendment was adopted.

Mr. Martin of Talladega moved to reconsider the vote by which the House refused to refer the bill to the committee on the Judiciary. Carried, and the bill was referred accordingly.

The bill :

To repeal section 2 of an act approved February 1, 1854, in reference to the pay of tales jurors in Macon county, was read the second time, and on motion of Mr. Flournoy, the constitutional rule was suspended and the bill was read the third time forthwith and passed, and ordered to the Senate.

The bill :

To invest and dispose of the two per cent. fund, was read the second time and referred to the committee on Internal Improvements.

The bill:

To repeal an act therein named, approved February 17, 1854, was read the second time and ordered to be engrossed.

The bill:

To be entitled an act to elect a public printer was read the second time.

On motion of Mr. Bulger the constitutional rule was suspended and the bill was read the third time forthwith and passed, and ordered to the Senate.

The bill:

To amend an act to render more efficient the system of free public schools in the State of Alabama, approved the 14th day of February, 1856, was read the second time and referred to the committee on Education.

The bill:

To declare Nancy Ann Price a free dealer, was read the second time.

Mr. Holly moved to amend by adding Cely Raymer of Covington County.

Mr. Calfee moved to amend by adding Nancy B. Hood of Coosa county; said amendments were severally adopted, and the bill was referred to the committee on Propositions and Grievances.

The bill:

To incorporate the State Mutual Insurance company was read the second time and referred to the committee on Corporations.

The bill:

To regulate the fees of the judge of probate for the county of Macon, was read the second time and referred to the committee on the Judiciary.

The bill:

To change the time of holding some of the Fall terms of the chancery courts of the middle chancery division, was read the second time and referred to a select committee of five from the middle chancery division.

Mr. Powell moved to suspend business before the House to allow Mr. Brown to make two reports from the committee on the University.

Mr. Pennington moved to amend motion, to allow committee on 16th Sections to report.

Carried.

Mr. Brown, of Tuscaloosa, from the committee on the Univer-

sity reported favorably to the Senate bill: To ratify and confirm the lease made by the trustees of University of Alabama of the old state house at Tuscaloosa.

Mr. Hammond moved to amend the bill by striking out so much as related to the lot on which the capital is located.

Mr. Molton moved to lay said amendment on the table, and the motion prevailed.

Mr. Brown, of Tuscaloosa, moved to suspend the constitutional rule, &c.

Mr. Drummond called for the ayes and noes on motion to suspend, and the motion to suspend was lost, four-fifths not voting in the affirmative.

Yeas 51, nays 15.

Yeas—Messrs. Speaker, Aldridge, Bell of Talladega, Boatright, Bradley, Brock, Brown of Tuscaloosa, Calfee, Clarke, Clayton, Dillard, Echols, Eustace, Flournoy, Harris, Herndon, Higgins, Jackson, Jeter, Johnston of Perry, Jones, Kennedy, Little, Mabry, Mardis, Martin of Talladega, McRae, Molton, Morgan, Murphy of Henry, Nabors, Neal, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Register, Reid, Richardson of Cherokee, Richardson of Monroe, Scott, Slade, Smith of Coosa, Smith of Jefferson, Smith of Randolph, Thompson, Walden, Weaver, Wright—51.

Nays—Messrs. Allen, Baugh, Browder, Brown of Marion, Drummond, Espy, Griffin, Hale, Hammonds, Holly, Houston, Irby, Sheffield, Simpson, Talley, Tait—15.

And the bill was ordered to a third reading.

Mr. Brown, of Tuscaloosa, from the committee on the University, to whom was referred a resolution of this House instructing said committee to inquire into the expediency of establishing a military professorship in the University of Alabama, and subjecting the students to military drill and discipline, reported a bill in relation thereto:

To be entitled an act to authorize the trustees of the university of Alabama to introduce military discipline into the university, and recommended its passage. Said bill was read, and the constitutional rule being suspended was read the second time forthwith, and made the special order for Tuesday next, at the hour of 11 o'clock, of that day.

Mr. Powell moved to suspend the consideration of messages from the Senate to allow Mr. Pennington to make a report from the committee on 16th Sections.

Carried.

Mr. Pennington, from the committee on Sixteenth Sections, to whom was referred the petition of the citizens of the parish

of Bossier, in the State of Louisiana, reported a bill in relation thereto, to be entitled "an act in reference to school lands belonging to the inhabitants of certain townships in this State, located in the States of Arkansas and Louisiana," and recommended its passage.

Said bill was read, and on motion of Mr. Bulger, the constitutional rule was suspended, and the bill was read the second time forthwith.

Mr. Clayton moved to suspend the rule requiring the House to adjourn at half past one o'clock, P. M.

Lost.

Mr. Martin, of Talladega, moved to amend the bill as follows: amend 4th section by striking out "at the rate of eight per cent per annum," and inserting in lieu thereof the following: at the legal rate of interest existing in the State where the land sold may be situated.

Said amendment was adopted.

Message from the Governor, by Watt Phelan, private secretary:

Mr. Speaker: His excellency the Governor has approved of bills which originated in the House of Representatives, of the following titles:

An act to authorize the Mobile Marine Railway and Insurance company and City Insurance company, to consolidate their capital stock;

An act for the relief of William Brasseal, of Blount county;

An act to amend the road laws in Mobile;

An act to repeal an act approved January 18th, 1845;

An act to amend the charter of the town of Cahaba, and for other purposes;

An act to repeal an act approved February 5th, 1840, in relation to justices in Pike county;

An act to elect the county surveyor of Talladega county by the voters of said county, and the surveyor of Madison county;

An act to change the times of holding the circuit courts of the counties of Blount, Walker, Marion and Fayette;

An act to authorize the voters of Coffee county to elect a tax collector;

An act to authorize the administrator of Richard Morton, deceased, late of Autauga county, to sell the negro property belonging to said estate;

An act in regard to the probate judgeship and circuit clerkship of Marion county;

An act to repeal an act entitled an act to make the circuit judges rotate throughout the State, and for other purposes.

The bill in reference to school lands belonging to certain town-

ships, &c., being under consideration, the hour of half past one, P. M., arrived, and the House stood adjourned until half past three o'clock, this evening.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Bulger moved to suspend the consideration of the message from the Senate to dispose of the bill under consideration when the House adjourned.

Said motion prevailed.

The question was on the motion of Mr. Bulger to suspend the constitutional rule to give said bill a third reading.

The rule was suspended, and the bill read the third time, and passed, and ordered to the Senate.

Message from the Senate, by Mr. Cain:

Mr. Speaker: The Senate has originated and adopted joint resolutions in relation to Kansas, in which they ask the concurrence of the House.

Said resolutions were read and adopted.

Mr. Brown, of Marion, moved to suspend business before the House to allow him to make a report from the committee on County Boundaries.

Carried.

Mr. Brown, of Marion, from said committee, to whom was referred the bill to change the name of the county of Hancock, reported the same back to the House, and recommended its passage.

Said bill was read the second time, and on motion of Mr. Griffin, the constitutional rule was suspended, the bill read the third time forthwith, and passed, and ordered to the Senate.

Mr. Dilard moved to suspend the consideration of the general orders, to take up and consider the bill in relation to the Fire and Mutual Insurance company, at Montgomery.

Lost.

The House resumed the consideration of the engrossed bill in relation to costs in criminal cases, in which the venue is changed; and the same was read the third time, and passed.

The engrossed bill:

To repeal section 3048 of the Code of Alabama, was read the third time.

Mr. Goode moved to lay the bill on the table.

Lost.

Yeas 38, nays 38.

Yeas—Messrs. Bell of Franklin, Boatright, Bradley, Brewer,

Brown of Tuskaloosa, Bulger, Chamberlain, Clarke, Clayton, Cullum, Denman, Goode, Hale, Hammonds, Herndon, Hobbs, Houston, Johnston of Perry, Jones, Little, Mabry, Martin of Talladega, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Pennington, Powell, Register, Scott, Slade, Smith of Randolph, Tait, Walden, Weaver and Wood—38.

Nays—Messrs. Speaker, Aldridge, Baugh, Bell of Talladega, Brock, Brown of Marion, Calfee, Colbert, Coleman, Dillard, Edwards, Espy, Eustace, Flournoy, Griffin, Jackson, Johnson of Tallapoosa, Majors, Mardis, Martin of Dale, McCall, Nelson, Parker, Pynes, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Sheffield, Smith of Coosa, Smith of Jefferson, Staton, Stiff, Talley, Thompson, Warren and Williamson—38.

The bill was lost.

Yeas 41, nays 42.

Yeas—Messrs. Aldridge, Allen, Baugh, Boatright, Brock, Brown of Marion, Bulger, Calfee, Cloud, Colbert, Coleman, Dillard, Edwards, Espy, Eustace, Flournoy, Griffin, Holly, Jackson, Jeter, Johnson of Tallapoosa, Majors, Martin of Dale, McCall, Parker, Pynes, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Sheffield, Simpson, Smith of Coosa, Smith of Jefferson, Staton, Stiff, Talley, Thompson, Warren, Williamson and Wright—41.

Nays—Messrs. Adams, Bell of Franklin, Bradley, Brewer, Browder, Brown of Tuskaloosa, Chamberlain, Clarke, Clayton, Cullum, Denman, Goode, Hale, Hammonds, Herndon, Hobbs, Houston, Johnston of Perry, Jones, Little, Mabry, Mardis, Martin of Talladega, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Pennington, Powell, Reedus, Register, Reid, Scott, Slade, Smith of Randolph, Tait, Walden and Weaver—45.

A message was received from the Governor in relation to the Alabama Insane Hospital, was received, and ordered to lie on the table.

Mr. Brown, of Tuskaloosa, moved to suspend the consideration of the business before the House, to enable him to offer a resolution.

Carried.

Mr. Brown, of Tuskaloosa, then offered the following resolution; which was adopted, viz:

*Resolved*, That the Speaker appoint a select committee of nine on the Alabama Insane Hospital.

The hour of 5 o'clock arrived, and the House stood adjourned until to-morrow morning at half past nine o'clock.

TUESDAY, January 14th, 1858.

House met pursuant to adjournment.

The journal was read and approved.

Mr. Morgan moved to reconsider the vote by which the House on yesterday refused to pass the bill, to repeal section 3048 of the Code.

The motion prevailed.

Yeas 46, nays 45.

Yeas—Messrs. Aldridge, Baugh, Boatright, Brock, Brown of Marion, Bulger, Calfee, Caldwell, Cloud, Colbert, Coleman, Dillard, Echols, Edwards, Espy, Eustace, Flournoy, Griffin, Holly, Jackson, Jeter, Johnson of Tallapoosa, Kennedy, Majors, Martin of Dale, McCall, Morgan, Neal, Nelson, Parker, Pennington, Pynes, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Sheffield, Simpson, Smith of Coosa, Smith of Jefferson, Staton, Talley, Thompson, Walden, Warren and Williamson—46.

Nays—Messrs. Speaker, Adams, Bell of Franklin, Bell of Talladega, Bradley, Brewer, Browder, Brown of Tuskalooza, Chamberlain, Clarke, Clayton, Cullum, Denman, Drummond, Goode, Hale, Hammonds, Harris, Herndon, Hobbs, Houston, Irby, Johnston of Perry, Jones, Lesueur, Little, Mabry, Mardis, Martin of Talladega, McRae, Molton, Murphree of Pike, Murphy of Henry, Nabors, Powell, Reedus, Register, Reid, Slade, Smith of Lauderdale, Smith of Randolph, Tait, Weaver, Wood and Wright—45.

The question then was on the passage of the bill, and the same was lost.

Yeas 44, nays 46.

Yeas—Messrs. Speaker, Aldridge, Baugh, Boatright, Brock, Brown of Marion, Brown of Tuskalooza, Bulger, Calfee, Cloud, Colbert, Dillard, Echols, Edwards, Espy, Eustace, Flournoy, Griffin, Holly, Jackson, Jeter, Johnston of Perry, Kennedy, Majors, Martin of Dale, McCall, Neal, Nelson, Parker, Pynes, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Sheffield, Simpson, Smith of Coosa, Smith of Jefferson, Staton, Talley, Thompson, Warren and Williamson—44.

Nays—Messrs. Adams, Bell of Franklin, Bell of Talladega, Bradley, Brewer, Browder, Chamberlain, Clarke, Clayton, Cullum, Denman, Drummond, Goode, Hale, Hammonds, Harris, Herndon, Hobbs, Houston, Irby, Johnston of Perry, Jones, Lesueur, Little, Mabry, Mardis, Martin of Talladega, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Pennington, Powell, Reedus, Register, Reid, Slade, Smith of Lauderdale.



Smith of Randolph, Tait, Walden, Weaver, Wood and Wright—46.

The Speaker, under a resolution of this House, appointed the following select committees :

On the bill for staying executions in certain cases, Messrs. Bulger, Browder, Bradley, Smith of Randolph, Chamberlain, Bell of Franklin, and Cloud ;

On the bill to provide for annual sessions of the General Assembly, and for annual elections of Representatives thereto, Messrs. Powell, Johnston of Perry, Irby, Wood, Wright, Herndon, Staton, Clayton and Martin, of Talladega ;

On the bill to change the time of holding some of the Fall terms of the chancery courts of the middle chancery division, Messrs. Hale, Bulger, Allen, Mardis and Johnston of Perry.

Mr. Hammonds was added to committee on Federal Relations.

#### CALL OF COUNTIES.

Mr. McRae introduced a bill to be entitled an act to amend the tax law ; also,

A bill to be entitled an act to amend the law exempting certain property from levy and sale by any legal process ;

Mr. Nelson : a bill to be entitled an act for the relief of S. Melvin.

Said bills were severally read the first time, and ordered to a second reading.

Mr. Caldwell introduced a bill to be entitled an act for the repeal of section 43 of the Code, and providing more equitably for the pay of members ; which was read.

Mr. Caldwell moved to suspend the constitutional rule, so as to give the bill a second reading forthwith, and

The yeas and nays were demanded, and the motion to suspend was lost.

Yeas 22, nays 61.

Yeas—Messrs. Bell of Talladega, Bradley, Brewer, Browder, Brown of Tuscaloosa, Bulger, Calfee, Caldwell, Clarke, Drummond, Espy, Herndon, Hobbs, Johnson of Tallapoosa, Lesueur, Mabry, Mardis, Murphree of Pike, Nelson, Register, Simpson, and Smith of Randolph—22.

Nays—Messrs. Speaker, Adams, Aldridge, Baugh, Bell of Franklin, Brock, Brown of Marion, Chamberlain, Clayton, Cloud, Colbert, Coleman, Denman, Dillard, Echols, Edwards, Eustace, Flournoy, Goode, Griffin, Hammonds, Harris, Higgins, Holly, Houston, Jackson, Jeter, Johnston of Perry, Jones, Ken-

nedy, Little, Majors, Martin of Dale, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphy of Henry, Neal, Parker, Pennington, Pynes, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Sheffield, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Staton, Tait, Thompson, Walden, Warren, Williamson, Wood and Wright—61.

And the bill was refused a second reading.

Mr. Parker introduced a bill to be entitled an act declaring Jane Hays a liner between the counties of Bibb and Perry; which was read.

Mr. Parker moved to suspend the constitutional rule, in order to give said bill a second reading forthwith.

The House refused to suspend the rule, and the bill was ordered to a second reading.

Mr. Hobbs moved to reconsider the vote just taken.

The motion prevailed, and the vote was reconsidered.

Mr. Parker moved to suspend the constitutional rule, to give said bill a second reading.

The motion prevailed, and the bill was read the second time, and referred to the committee on the Judiciary.

Mr. Edwards introduced a bill to establish and incorporate the Blount County Botanic Medical Board.

Mr. Adams: a bill to repeal an act so far as the same relates to Butler county.

Said bills were severally read, and ordered to a second reading.

Mr. Richardson, of Cherokee, introduced a bill for the relief of Elisha P. Minshen, of Cherokee county; which was read, and the constitutional rule being suspended, the same was read the second time forthwith, and referred to the committee on 16th Sections.

Mr. Brewer introduced a bill to be entitled an act to authorize appeals from the mayor's court of Wetumpka; which was read, and the constitutional rule being suspended, the same was read the second time forthwith, and referred to the committee on the Judiciary.

Mr. Brewer: a bill to be entitled an act to amend section 171 of the Code; which was read.

Mr. Brewer moved to suspend the constitutional rule, in order to give the bill a second reading forthwith.

Lost; and the bill ordered to a second reading.

Mr. Holly introduced a bill to be entitled an act to authorize Robert E. Jordan, of the county of Covington, to retail spiritu-

ous liquors without license in said county; which was read, and ordered to a second reading.

Mr. Mabry introduced a bill to incorporate the Shelby Lime company; which was read.

Mr. Irby moved to suspend the constitutional rule, in order to give said bill a second reading forthwith.

The rule was suspended, the bill read the second time, and referred to the committee on Corporations.

Mr. Register introduced a bill to be entitled an act to repeal all after the word "therein," where it occurs in the second line of section 1171 of the Code, so far as the county of Dale is concerned; which was read, and the constitutional rule being suspended, the same was read the second time forthwith, and referred to the committee on Roads, Bridges and Ferries.

Mr. Little introduced a bill (with petition) to be entitled an act to change the boundary line of the county of Hancock; which was read, and ordered to a second reading.

Mr. Cloud introduced a bill to be entitled an act for the relief of the poor of Jackson county; which was read, and the constitutional rule being suspended, the same was read the second time; and,

On motion of Mr. Drummond, referred to the committee on Propositions and Grievances; also,

A bill to be entitled an act to repeal an act therein named, and to fix the time of holding the circuit courts of Marshall and Jackson; which was read, and ordered to a second reading.

Mr. Wood introduced a bill to be entitled an act to regulate the time of taking up the State criminal docket in the 4th judicial circuit; which was read, and the constitutional rule being suspended, the same was read the second time, and referred to a select committee.

Mr. Clark introduced a bill to be entitled an act to re-print certain volumes of the Alabama Reports; which was read, and the constitutional rule being suspended, the same was read the second time forthwith, and referred to the committee on the Judiciary.

Mr. Echols introduced a bill to be entitled an act for the relief of John A. Howard; also,

A bill for the relief of Benjamin D. Kern, of Macon county; also,

A bill for the relief of Lewis Stoudenmire.

Said bills were severally read and ordered to a second reading.

Mr. Powell moved to suspend the consideration of messages from the Senate to proceed with the call of the counties.

**Carried.**

Mr. Harris introduced a bill to be entitled an act to prevent the evil practice of selling liquor to slaves; which was read, and the constitutional rule being suspended, the same was read the second time forthwith, and referred to the committee on the Judiciary; also,

A bill:

To legalize the nuncupative will of John F. Jones, deceased; which was read, and the constitutional rule being suspended, the same was read the second time forthwith and referred to the committee on the Judiciary.

Mr. Griffin presented the petition of George H. Hall; which was referred to the committee on Propositions and Grievances.

Mr. Jones presented the petition of R. B. McIntosh and others; which was referred to the committee on the Judiciary.

Mr. Jones introduced a bill to be entitled an act to give the probate court of Dallas county jurisdiction over the estate of Calvin Norris, deceased; which was read, and the constitutional rule being suspended, the same was read the second time forthwith.

Mr. Mabry moved to further suspend the constitutional rule to give the bill a third reading; the rule was suspended and the bill read the third time and passed.

Mr. Herndon introduced a bill to be entitled an act in relation to foreign insurance companies.

Mr. Chamberlain introduced a bill to be entitled an act to amend sections 1056 and 1057 of the Code; which bills were severally read, and the constitutional rule being suspended, severally read the second time and referred to the committee on Ways and Means.

The hour of 11 o'clock arrived, for which hour there were special orders, on motion of Mr. Molton the consideration of special orders was suspended to proceed with the call of the counties.

Mr. Chamberlain introduced a bill to incorporate the Mobile Typographical Union.

Mr. Herndon introduced a bill for the relief of the heirs at law of Wm. Hawn, deceased, late of Tuscaloosa county; also,

A bill (with petition):

Fixing the time for the tax collector of Mobile county to close his accounts; which bills were severally read and ordered to a second reading.

Mr. Herndon presented the petition of citizens of Mobile county in favor of amending charter of city of Mobile; which was referred to the committee on the Judiciary.

Mr. Dillard introduced a bill to be entitled an act to prevent the sale of ardent spirits at or within two miles of the Athens Academy, in Montgomery county; which was read and the constitutional rule being suspended the same was read the second time forthwith and referred to the committee on Propositions and Grievances.

Mr. Molton introduced a bill to be entitled an act to charter the Alabama Insurance company; which was read, and the constitutional rule being suspended, the same was read the second time forthwith and referred to the committee on Corporations; also,

An act to authorize Francis Manfee to peddle in the State of Alabama.

Mr. Johnston, of Perry, introduced a bill to be entitled an act to increase the fees of the jailor of Perry county in certain particulars; also,

A bill:

To amend section 397 of the Code; which bills were severally read the first time and ordered to a second reading; also,

A bill (with petition):

To be entitled an act to compensate R. F. Pope, Robert Bater and James E. Cunningham; which were read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on Propositions and Grievances; also,

Presented the papers in relation to the case of Y. L. Roysten; which were referred to the committee on Propositions and Grievances.

Message from the Senate by Mr. Cain:

Mr. Speaker: the Senate has passed bills from the House as follows:

To amend the charter of the Mobile Bay Road company;

To prevent the adulteration of liquors;

To repeal an act therein named relating to the deposit of moneys in the Savings' Bank of Mobile;

To repeal an act to consolidate the offices of judge of probate and clerk of the circuit court of Hancock county;

For the relief of Wm. J. Mims, administrator of the estate of George W. Zeigler;

Joint resolutions declining to accept a grant of lands for railroads, &c.;

To amend the law in regard to bail in civil actions;

To authorize the people of Pike county to elect the county surveyor of said county;

To amend section 1065 of the Code;

To amend the insolvent debtors' law ;

For the relief of Nicholas Hudson, jailor of Blount county ;

To amend section 1136 of the Code ;

To amend and repeal in part an act therein named ;

To provide for the administration on the estate of John Troup, deceased ;

To amend section 3992 of the Code in reference to the fees of sheriffs in criminal cases ;

To extend the operations of section 2768 of the Code ; also,

Bills which originated in the Senate as follows :

To repeal certain acts therein named ;

To amend section 3161 of the Code ;

For the relief of John E. McCrary, of Butler county ;

To accept a grant of lands to the State of Alabama, by an act of Congress granting public lands, in alternate sections, to aid in the construction of railroads ;

To lay off the counties into commissioners' districts ;

To regulate and define the duties and liabilities of railroad companies in this State ;

To repeal an act to define the limits of the town of Somerville, in the county of Morgan, and to incorporate the same ;

For the relief of Prof. J. W. Mallett ;

To incorporate the Fort Browder Male Academy, in Barbour county ;

To amend sections 2471 and 2472 of the Code ;

Relating to building and loan associations ;

An act supplemental to an act incorporating the Society Hill High School ;

An act explanatory and declaratory of the meaning and intention of the 12th section of the act incorporating the Girard and Mobile Railroad company, amending the same ;

To amend section 2424 of the Code of Alabama ;

Joint memorial to the Congress of the United States, asking that the city of Montgomery be made a port of entry and clearance, and for an appropriation for the erection of a custom house, United States court room, land office, and post office.

Mr. Flournoy moved to take up the bill supplemental to an act incorporating the Society Hill High School.

Mr. Smith, of Lauderdale, to suspend the consideration of messages from the Senate.

Mr. Powell, the following rule, viz :

*Resolved*, That hereafter the call of the counties shall have precedence over all other orders on Mondays and Tuesdays unless suspended, which, under the rule, lies over one day.

Mr. Nabors introduced a bill to be entitled an act for the re-

relief of persons indebted to the Commercial or Central Bank; which was read, and the constitutional rule being suspended, the same was read the second time forthwith and referred to the committee on Banks and Banking.

Mr. Murphree of Pike introduced a bill to be entitled an act in relation to section 2462 of the Code, so far as the county of Pike is concerned, which was read, and the constitutional rule being suspended, the same was read the second time forthwith, and referred to the committee on the Judiciary.

Mr. Denman introduced a bill to be entitled an act to amend the attachment laws, which was read and ordered to a second reading.

Mr. Smith, of Randolph, introduced a bill to be entitled an act to amend section 983 of the Code, which was read.

Mr. Smith, of Randolph, moved to suspend the constitutional rule to give the bill a second reading; the rule was suspended and the bill read the second time.

Mr. Bulger moved to amend the bill as follows: Strike out 2 and 3, where they occur, and insert 1.

On motion of Mr. Nabors, the bill was referred to the committee on the Judiciary.

Mr. Aldridge introduced a bill to be entitled an act for the relief of Henry M. Lanier of Russell county.

Mr. Mardis introduced a bill to be entitled an act to substitute and repeal section 2811 of the Code of Alabama;

Also a bill to be entitled an act to make the selling of spirituous liquors in quantities of a quart or more, but less than a barrel, retailing in the meaning of the law.

Mr. Martin, of Talladega, introduced a bill to be entitled an act to regulate the remedy of surties in certain cases.

Mr. Remson introduced a bill to be entitled an act declaring Mrs. Nancy Ann Stringfellow a free dealer.

Mr. Bulger introduced a bill to be entitled an act for the relief of Robert T. Ashurst of Talladega county.

Mr. Tait introduced a bill to be entitled an act to amend section 185 of the Code; which bills were severally read and ordered to a second reading.

Mr. Hammonds introduced a bill to be entitled an act to repeal and prevent the setting up of any lottery within this State; which was read and the constitutional rule being suspended the same was read the second time forthwith and referred to the committee on the Judiciary.

Mr. Bulger introduced a bill to be entitled an act to make a final disposition of the three per cent. fund, which was read, and the constitutional rule being suspended the same was read the

second time forthwith, and on motion of Mr. Bulger referred to the committee on Internal Improvements.

Mr. Powell introduced a bill to be entitled an act to authorize L. A. Watson to keep a ferry without a license, which was read, and the constitutional rule being suspended, the same was read the second and third times forthwith and passed, and ordered to the Senate.

Mr. Powell moved to suspend the consideration of messages from the Senate to allow chairman of Federal Relations and joint committee to report generally.

Carried.

Mr. Martin, of Talladega, from the committee on Federal Relations, to whom was referred joint resolutions on the subject of slavery, then made the following report:

The committee most heartily endorse said resolutions, and have incorporated them into a joint report by the committee on Federal Relations, from the two Houses of the General Assembly; said report was laid on the table.

Mr. Martin, of Talladega, from the committee on Federal Relations, to whom was referred joint resolutions on the subject of slavery reported joint resolutions in relation thereto, providing for the call of a convention in case Kansas is refused admittance into the Union, which were read the first, second and third times, under a suspension of the constitution rule and passed.

Yeas 87, nays none.

Yeas—Messrs. Speaker, Aldridge, Allen, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskalooza, Calfee, Caldwell, Cary, Chamberlain, Clarke, Clayton, Cloud, Colbert, Coleman, Cullum, Denman, Dillard, Drummond, Echols, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Higgins, Hobbs, Holly, Houston, Irby, Jackson, Jeter, Johnston of Perry, Jones, Kennedy, Lesueur, Little, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Pennington, Powell, Reedus, Register, Reid, Richardson of Cherokee, Richardson of Monroe, Scarborough, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Tait, Thompson, Walden, Weaver, Williamson, Wood and Wright—87.

Nays none.

Message from the Senate.

The Senate bills received this morning by Mr. Cain :



To be entitled an act to amend section 2424 of the Code of Alabama;

Explanatory and declaratory of the meaning and intention of the third section of an act incorporating the Girard and Mobile Railroad company, amending the same;

For the relief of Professor J. W. Mallet;

To incorporate the Fort Browder Male Academy in Barbour county;

Relating to building and loan associations;

To define the limits of the town of Sommerville in the county of Morgan, and incorporate the same, approved January 19, 1839;

To lay off counties in commissioners districts;

For the relief of John E. McCrary of Butler county;

To amend section 3161 of the Code;

To repeal certain acts therein named; were severally read the first time and ordered to a second reading.

The Senate bills received in the same message:

To regulate and define the duties and liabilities of railroad companies in this State;

To amend sections 2471 and 2472 of the Code; were severally read the first time, and under a suspension of the constitutional rule were severally read the second time, and referred to the committee on the Judiciary.

Also, a joint memorial to the Congress of the United States, asking that the city of Montgomery may be made a port of entry and clearance, and for an appropriation for the erection of custom house, United States court room, land office and post Office, which was read and adopted.

Also, a bill to be entitled an act to accept a grant of lands to the State of Alabama, and to carry into execution the trusts conferred upon the State of Alabama, by an act of Congress entitled an act making a grant of lands to the territory of Minnesota, in alternate sections, to aid in the construction of certain railroads in said territory, and granting public lands in alternate sections to the State of Alabama, to aid in the construction of a certain railroad in said State, approved March 3d, 1857.

Said bill was read the first time, and under a suspension of the constitutional rule, the same was read the second time forthwith, and referred to the committee on Internal Improvements.

Also, the Senate bill:

To extend the debts due to 16th sections; which was read, and the constitutional rule being suspended, read the second time, and referred to the committee on Education.

Also, the House bill:

To extend the operation of section 2768 of the Code, amended by the Senate; in which amendment the House concurred.

The Senate bill:

Supplemental to an act incorporating the Society Male High School, was read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered forthwith to the Senate.

Mr. Bulger moved to suspend the business before the House to call up the resolution offered by himself on yesterday.

The motion prevailed, and the resolution was adopted.

Mr. Jones moved to suspend the business before the House, to take from the table the bill extending the lien of attornies and solicitors in certain cases.

Lost.

The bills:

To amend section 1170 of the Code of Alabama;

To create an additional judicial circuit, and for other purposes;

To amend the 27th rule of chancery practice;

To amend section 290 of the Code of Alabama;

To amend the charter of the city of Selma;

To repeal and substitute section 1922 of the Code of Alabama;

To repeal certain sections in an act therein named;

To repeal and substitute section 1987 of the Code of Alabama;

To make Dicey Hudley, of the county of Shelby, a free dealer;

For the relief of Russell J. Allen, of the county of St. Clair;

To repeal and substitute section 1930 of the Code of Alabama;

To prevent breaches of the peace;

To repeal section 2806 of the Code, so far as it relates to the county of Sumter;

Authorizing justices of the peace to issue garnishments;

To extend the Fall term of the circuit court for Talladega county;

To amend the law in relation to depositions in the circuit and other courts in this State;

To prescribe the mode and manner of procuring the depositions of witnesses in this State;

To amend section 729 of the Code;

To incorporate Bethel Male and Female Academy, in the county of Pike;

To regulate suits in courts of law;

To regulate the drawing of grand jurors of Marion county;

To regulate the proceedings of the justices of peace;

To amend and enlarge section 2811 of the Code;

To amend section 2568 of the Code, in relation to witnesses before grand juries;

Concerning the probate of wills;

To prevent gaming among slaves; were severally read the second time, and referred to the committee on the Judiciary.

The bills:

To incorporate the Montevallo Male and Female Institute of the Union Synod of the Cumberland Presbyterian Church;

To incorporate the Southern Insurance company of Mobile;

To incorporate the Mobile Mechanics' Institute;

To incorporate the town of Rodgersville, in the county of Lauderdale; were severally read the second time, and referred to the committee on Corporations.

The bill:

For the relief of Robert McElvy and Lucinda Spain; was read the second time and ordered to be engrossed.

The bills:

For the relief of Richard T. Storr;

To amend the law in relation to divorce and alimony; were severally read the second time, and referred to the committee on Divorce and Alimony.

The bills:

To amend section 488 of the Code;

To consolidate the offices of tax collector and tax assessor in the county of Bibb;

To amend the collecting laws of this State; were severally read the second time, and referred to the committee on Ways and Means.

The bills:

For the protection of mechanics;

To prevent the Memphis and Charleston Railroad company from causing sickness by digging ditches, &c.; were severally read the second time, and referred to the committee on Propositions and Grievances.

The bills:

To incorporate the Mechanics' Hook and Ladder company of Montgomery;

To authorize the judge of probate court to take jurisdiction of the estate of Green W. Cole, deceased, of Chambers county;

To declare Geo. W. Salter a citizen of Monroe county; which were severally read the second time, and under a suspension of the constitutional rule, read the third time, and passed.

The bills:

To compensate Y. S. Royster; and,

To allow the jailor of Greene county additional pay for vic-

tualing prisoners; were read the second time, and referred to the committee on Accounts.

The bills:

To repeal section five of an act to amend an act to incorporate the Northern Bank of Alabama; and,

To prohibit foreign corporations from exercising banking privileges in this State; were severally read the second time, and referred to the committee on Banks and Banking.

The bills:

To erect a toll bridge across the Cahaba river; and,

To amend section 1143 of the Code of Alabama, in relation to overseers and apportioners of roads; were severally read the second time, and referred to the committee on Roads, Bridges and Ferries.

The bill:

To authorize the Governor to issue a patent to Thos. L. Paine of the county of Chambers; was read the second time, and referred to the committee on Education.

The bills:

To compensate returning officers for making election returns in Baldwin county; and,

To establish an election precinct in beat No. 4, in Washington county; were severally read the second time, and referred to the committee on Privileges and Elections.

The joint resolutions:

To instruct our Senators, and request our Representatives, to take measures for a distribution of the surplus revenue in the United States treasury, among the States of the Confederacy; and,

In relation to the slave trade; were severally read the second time, and referred to the committee on Federal Relations.

The bill:

To refund to the commissioners of free public schools, for the county of Marshall, a certain amount of money paid out of the interest arising out of the 16th section fund, belonging to township 9, range 2, East, in the county of Marshall; which was read the second time, and referred to the committee on 16th Sections.

The bill:

To provide for the printing of the reports of the treasurer and comptroller of public accounts; which was read the second time, and referred to the committee on Public Printing.

Joint resolution:

Proposing amendments to the constitution; was read the sec-

ond time, and referred to the committee on Constitutional Amendments.

Mr. Nabors moved to suspend the business before the House in order to take up the Senate bill, to destroy the bills of the State Bank and Branches.

Carried.

And the House proceeded to consider said bill.

Mr. Echols moved that when the House does adjourn, it adjourn until half past nine o'clock, to-morrow morning.

Mr. Nabors moved to suspend the rule requiring the House to adjourn at half past one o'clock.

Carried.

And after some discussion, on motion the House adjourned until to-morrow morning, at half past nine o'clock.

FRIDAY, January 15th, 1858.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Shaver.

The journal was read and approved.

The Speaker laid before the House sundry records of divorce; which were referred to the committee on Divorce and Alimony.

The Speaker announced the following committee on Insane Asylum, viz:

Messrs. Brown, of Tuskalooza, 3d circuit; Bradley, 1st circuit; Williamson, 2d circuit; Hobbs, 4th circuit; Harris 5th circuit; Chamberlain 6th circuit; Nabors 7th circuit; Clayton 8th circuit, and Bulger 9th circuit.

Messrs. Cary and Adams asked and obtained leave to record their votes in the affirmative, on the adoption of the House resolutions in regard to Kansas affairs.

Mr. Martin, of Talladega, moved to reconsider the vote by which the House on yesterday refused to order to a second reading, the bill for the repeal of section 43 of the Code, and providing more equitably for the pay of members.

The motion prevailed, the vote was reconsidered, and the bill read and ordered to a second reading.

Mr. Williamson moved to suspend the consideration of message from the Senate to allow him to introduce a bill.

Carried.

Mr. Williamson then introduced a bill to be entitled an act to compensate D. W. Bain, for services rendered the State of Alabama; which was read, and the constitutional rule being suspended, the same was read the second time forthwith.

Mr. Goode moved to amend the bill by adding "one thousand dollars to go to the solicitor of the second judicial circuit"; and

the bill with the amendment, was referred to the committee on the Judiciary.

Mr. Hobbs moved to suspend the business before the House to enable him to offer a resolution; and,

The yeas and nays were demanded.

Carried.

Yeas 55, nays 37.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Bell of Talladega, Boatright, Browder, Brown of Marion, Brown of Tuskalooza, Calfee, Caldwell, Chamberlain, Clarke, Clayton, Cloud, Colbert, Echols, Edwards, Flournoy, Hale, Herndon, Hobbs, Houston, Irby, Johnston of Perry, Jones, Lesueur, Little, Mabry, Mardis, McCall, McRae, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Nelson, Powell, Pynes, Reedus, Register, Remson, Richardson of Monroe, Scott, Smith of Coosa, Smith of Randolph, Stiff, Talley, Tait, Thompson, Walden, Weaver, Williamson, Wood and Wright—55.

Nays—Messrs. Baugh, Bennett, Bradley, Brewer, Brock, Bulger, Cary, Coleman, Cullum, Denman, Dillard, Drummond, Espy, Eustace, Goode, Griffin, Hammonds, Harris, Higgins, Holly, Jackson, Jeter, Johnson of Tallapoosa, Kennedy, Majors, Martin of Dale, Neal, Parker, Pennington, Reid, Richardson of Cherokee, Scarborough, Sheffield, Slade, Smith of Jefferson, Smith of Lauderdale, and Staton—37.

Mr. Hobbs then offered the following resolution; which was read; and,

On motion of Mr. Wood, referred to a joint special committee of the General Assembly to confer with the commissioner and trustees:

*Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the promptness with which the installment of the State debt, falling due on the 1st inst., has been paid, notwithstanding the financial difficulties of the times, affords an additional proof of the unsevering faith with which Alabama intends to meet all her monetary obligations.

*Be it further resolved,* That the conduct of the commissioner and trustee, Mr. John Whiting, in pledging his private credit for the purpose of securing a loan for the State, not only deserves the thanks of the General Assembly and people of the State, but that it is a source of pride to every Alabamian, that the management of the foreign debt of the State is in the hands of one who is willing to give the world such a proof of his State pride, and his confidence in the honor and good faith of Alabama.

Mr. Higgins moved to suspend the business before the House to enable him to introduce a bill.

The motion prevailed; and,

Mr. Higgins then introduced a bill to be entitled an act to create an additional term of the chancery court for the 34th district; which was read, and the constitutional rule being suspended, the same was read the second time forthwith, and referred to the committee on the Judiciary.

Mr. Bradley moved to suspend the consideration of messages from the Senate, in order to take from the table the Governors message in regard to the Alabama Insane Hospital.

The motion prevailed, and the message as follows, was referred to the committee on the Alabama Insane Hospital:

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., January 13th, 1858. }

*Gentlemen of the House of Representatives :*

Herewith I transmit to your honorable body, the report of the trustees of the Alabama Insane Hospital. This report shows that the buildings will be completed during the present year, and ready for patients. It will, therefore, be necessary to appoint a president and six trustees, during the present session of the legislature.

The law makes it the duty of the Governor to nominate those officers, and submit their names to the Senate for ratification or rejection.

Your attention is called to this matter that I may have the benefit of your suggestion, as to suitable persons to be nominated.

The report suggests the necessity of a small appropriation to enclose the buildings. This is necessary for the security of the patients.

Respectfully, &c.,  
A. B. MOORE.

Mr. Jones offered the following rule :

*Resolved,* That the 23d rule of the House be so amended as to authorize the Speaker to appoint six additional members of the committee on the Judiciary ; which lies over one day.

Message from the Senate, by Mr. Cain :

Mr. Speaker: The Senate has passed joint resolutions providing for the call of a convention, in case Kansas is refused admittance into the Union.

Message from the Senate, &c.:

Mr. Speaker: The Senate has adopted the following resolution:

*Resolved*, That with the concurrence of the House of Representatives, the two houses will adjourn *sine die* on Monday the 1st day of February next.

The Senate has passed House bill to incorporate the Mobile and Ohio Telegraph company, amended by the Senate; also,

A bill to create an additional company beat in Jackson county, and for other purposes.

The House proceeded to consider the joint resolutions providing for the call of a convention, in case Kansas is refused admittance into the Union, received in the message from the Senate.

Said joint resolutions was read, and the constitutional rule being suspended, (on motion of Mr. Smith, of Lauderdale,) the same was read the second time forthwith.

Mr. Martin, of Talladega, moved to amend the resolutions by striking out the words, "as well as by unanimous voice of the General Assembly."

Said amendment was adopted; and,

On motion of Mr. Smith, of Lauderdale, the constitutional rule was suspended, and the joint resolutions as amended, was read the third time, and passed.

Yeas 90, nays none.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskalooza, Calfee, Cary, Chamberlain, Clarke, Clayton, Cloud, Coleman, Cullum, Denman, Dillard, Drummoud, Echols, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Higgins, Hobbs, Holly, Houston, Irby, Jackson, Jeter, Johnston of Perry, Jones, Kennedy, Lesueur, Little, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Register, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Talley, Tait, Thompson, Walden, Warren, Weaver, Williamson, Wood and Wright—90.

Nays none.

The House then proceeded to the consideration of the message from the Senate, it being the resolution as follows:

*Resolved*, That, with the concurrence of the House of Repre-



sentatives, the two Houses will adjourn *sine die*, on Monday the 1st day of February next.

Mr. Remson moved to amend as follows: strike out "Monday, the 1st of February next," and insert "Monday next."

Mr. Johnston, of Perry, moved to amend as follows: strike out "Monday 1st," and insert "Monday 15th."

Mr. Irby moved to suspend the further consideration of the whole matter until Saturday next, and that it be made the special order for the hour of 11 o'clock on that day.

Mr. Powell moved to postpone until Monday week, and that it be made the special order for the hour of 11 o'clock of that day, and the motion prevailed.

Yeas 70, nays 21.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Bell of Talladega, Bennett, Boatright, Bradley, Brock, Browder, Brown of Tuskalooza, Calfee, Caldwell, Cary, Clarke, Clayton, Cloud, Colbert, Coleman, Dillard, Drummond, Echols, Edwards, Espy, Flournoy, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Higgins, Hobbs, Irby, Jeter, Johnston of Perry, Jones, Lesueur, Little, Mabry, Martin of Dale, Martin of Talladega, McCall, McRae, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Parker, Powell, Pynes, Reedus, Register, Reid, Richardson of Cherokee, Scarborough, Scott, Sheffield, Simpson, Smith of Coosa, Smith of Lauderdale, Staton, Talley, Thompson, Walden, Warren, Williamson and Wood—70.

Nays—Messrs. Baugh, Bell of Franklin, Brewer, Brown of Marion, Chamberlain, Denman, Eustace, Holly, Houston, Jackson, Kennedy, Mardis, Morgan, Pennington, Remson, Richardson of Monroe, Slade, Smith of Jefferson, Smith of Randolph, Stiff, Weaver and Wright—21.

The Senate bill :

To create an additional company beat in Jackson county, and for other purposes, was read the first, second and third times, under a suspension of the constitutional rule, and passed.

The House concurred in the amendment of the Senate to the bill to incorporate the Mobile and Ohio Telegraph company.

Mr. Wood moved to suspend the consideration of all special orders, to take up the bill to extend the right of trial by jury before justices.

Lost.

Mr. Jones moved to suspend special orders, to allow committees generally to report.

Carried.

## REPORTS FROM THE JUDICIARY COMMITTEE.

Mr. Hale reported adversely to the bill to be entitled an act to authorize the stay of executions in certain cases; and,

On motion of Mr. Hale, said bill was re-committed to a select committee, of one from each congressional district.

Mr. Hale reported back to the House the bill to be entitled an act to amend the law in relation to sales of cotton by factors, in the city of Mobile, with amendments, as follows: strike out all after the enacting clause of section 2, and insert in lieu thereof, the following: "that when cotton in bales is sent by a planter or other owner to a factor for sale, a warranty is thereby implied, on the part of such planter or other owner to the factor, and the purchaser from such factor respectively; that such cotton is not fraudulently packed, and when such cotton is sold by sample, by the owner or his factor, a warranty is thereby implied to the purchaser, that the sample has been fairly drawn, and that the cotton is not fraudulently packed, and no other warranty is thereby implied; and for any breach of such implied warranty, the purchaser may recover damages, either from the owner or factor selling the same; but no action shall be brought for any such breach of such last mentioned implied warranty, unless it be commenced within one year after the time of such sale." Amend section 4, by adding the following: "and the buyer, or his agent, shall be bound to accept the order for the delivery of the cotton by 12 o'clock, M., on the day subsequent to the sale, and may, at his option, accept such order sooner, but shall not be required to accept such order sooner." Amend section 8, by striking out the words, "as overseer," and inserting in lieu thereof, the words, "who shall be responsible therefor;" and recommended its passage, as amended.

Mr. Goode moved to amend the bill by striking out section 8 of the bill.

Mr. Williamson moved to amend the amendment as follows, to come in at the end of first amendment:

*Provided*, That planters shall not be liable for damages in any way for losses sustained by the factors or commission merchants for having sold cotton by fraudulent or unfair samples, unless such loss was occasioned by platony or fraudulent packing of the cotton by said planters.

Mr. Bell, of Talladega, moved to amend the bill by striking out the words, "free persons of color," where they occur in section 8.

Mr. Tait moved the following amendment: amend section 3, as follows: *Provided*, The factor, or factors, shall have no recov-

ery of damages from the planter of said factor, or factors, shall not have informed said planter that such suit was pending in time for the planter to have defended said suit.

Mr. Nabors moved to suspend the rule requiring the House to adjourn at half-past one.

Carried.

The question was first on the amendment of Mr. Williamson, to the amendment of the committee, and the same was adopted.

The question was then upon the adoption of the first amendment, reported by the committee, and the same was adopted.

The question then was on the second amendment of the committee, and the same was adopted.

The question then was on the third amendment of committee.

Mr. Bulger offered the following substitute: strike out of the 8th section all after the word "creole," where it occurs in the second line, to the word "and" in the third line, and strike out "that" in the third line, and strike out "also," where it occurs in the fourth line of the same section.

Mr. Clayton moved the following amendment to Mr. Bulger's substitute: strike out all that part of the bill which authorizes the employment of creoles and free persons of color to sample cotton.

The question first was upon Mr. Bulger's substitute, and the same was lost.

The question then was upon Mr. Clayton's amendment to the substitute, and the same was lost.

The question then was upon the third amendment reported by the committee, and the same was adopted.

The question then was upon the amendment moved by Mr. Goode, and the same was lost.

The question then was on the amendment, moved by Mr. Tait, and the same was adopted.

The question then was on the amendment moved by Mr. Bell, of Talladega, and the same was adopted.

Mr. Jones moved the following amendment, to come in next after section 7 :

*Be it further enacted,* That whenever cotton bought from a factor is removed by the purchaser, his agent or broker from the ware-house, in which it was stored, to another ware-house for the purpose of re-weighing, re-sampling, or examination, and the same in any part thereof, shall, after such re-weighing, re-sampling, or examination, be rejected by the purchaser, his agent or broker, such purchaser, his agent or broker, shall be bound to re-place the cotton so rejected, in the ware-house, from which it was removed, in as good order as when it was received,

and to pay all the costs and charges attending such removal and re-placing.

Said amendment was adopted.

Mr. Goode moved to amend as follows: strike out the word, "creole," when it occurs in section 8.

Lost.

Mr. Drummond moved the following:

Amend first section by inserting in second line after the word "provisions" the words "of the first clause," and in the fifth line, by inserting after the word "said" the words "clause of said."

Said amendment was adopted.

Mr. Coleman called the previous question, and the question being, shall the main question now be put? the same was decided in the affirmative.

The bill as amended was read the third time, and passed.

Yeas 63, nays 8.

Yeas—Messrs. Bell of Franklin, Bell of Talladega, Brewer, Brock, Browder, Brown of Tuskaloosa, Bulger, Calfee, Cary, Chamberlain, Clarke, Clayton, Cloud, Coleman, Denman, Drummond, Echols, Edwards, Griffin, Hale, Harris, Herndon, Houston, Irby, Jackson, Jeter, Johnston of Perry, Johnston of Tallapoosa, Jones, Kennedy, Lesueur, Little, Mabry, Majors, Martin of Dale, Martin of Talladega, McRae, Morgan, Murphy of Henry, Nabors, Neal Nelson, Parker, Pennington, Powell, Reedus, Reid, Richardson of Cherokee, Richardson of Monroe, Scott, Slade, Smith of Coosa, Smith of Jefferson, Staton, Talley, Tait, Walden, Warren, Weaver, Williamson, Wood and Wright—63.

Nays—Messrs. Brown of Marion, Dillard, Espy, Eustace, Goode, Hobbs, Holly and Mardis—8.

Mr. Bulger moved to adjourn.

Mr. Johnston moved to adjourn until half past 9 o'clock, tomorrow morning, and the yeas and nays were demanded.

The motion prevailed.

Yeas 37, nays 32.

Yeas—Messrs. Speaker, Bell of Franklin, Bell of Talladega, Brewer, Brock, Browder, Cary, Clayton, Cloud, Coleman, Drummond, Echols, Edwards, Goode, Harris, Herndon, Hobbs, Holly, Irby, Jackson, Jeter, Johnston of Perry, Kennedy, Lesueur, Majors, Mardis, McRae, Murphy of Henry, Neal, Powell, Reedus, Scott, Simpson, Tait, Warren, Weaver, Williamson and Wood—37.

Nays—Messrs. Brown of Marion, Bulger, Calfee, Chamberlain, Clarke, Cullnm, Denman, Dillard, Espy, Eustace, Griffin,

Houston, Jones, Little, Mabry, Martin of Dale, Martin of Talladega, Morgan, Nabors, Nelson, Parker, Pennington, Pynes, Reid, Richardson of Monroe, Richardson of Cherokee, Slade, Smith of Coosa, Smith of Jefferson, Walden and Wright—32.

And the House adjourned until to-morrow morning at half past 9 o'clock.

SATURDAY, January 16th, 1858.

House met pursuant to adjournment.

The journal of yesterday was read and approved.

Mr. Powell moved to suspend the business before the House in order to bring up the rule offered by himself on the 14th inst., and also to bring up the rule offered by Mr. Jones.

The motion prevailed, and said rules were severally taken up, and adopted.

Mr. Irby moved a further suspension of business, in order to take up and consider the bill to destroy the bills of the State Bank and Branches.

The motion prevailed, and said bill was read the third time.

The hour of 11 o'clock arrived, for which hour there were special orders,

On motion of Mr. Irby the special orders were suspended, in order to proceed with the consideration of the bill now before the House.

Mr. Morgan moved to postpone the further consideration of the said bill until Thursday next.

Mr. Goode moved to lay the motion to postpone on the table, and said motion prevailed, and the bill was passed.

Yeas 75, nays 15.

Yeas—Messrs. Speaker, Adams, Allen, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brewer, Brock, Browder, Calfee, Caldwell, Cary, Chamberlain, Clayton, Colbert, Coleman, Cullum, Denman, Dillard, Drummond, Echols, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Houston, Irby, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Lesueur, Mabry, Martin of Dale, Martin of Talladega, McCall, McRae, Molton, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Pennington, Pynes, Reid, Richardson of Cherokee, Scarborough, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Talley, Tait, Thompson, Warren, Weaver, Williamson, Wood and Wright—75.

Nays—Messrs. Brown of Marion, Brown of Tuscaloosa,

Clarke, Cloud, Hobbs, Holly, Jackson, Little, Majors, Mardis, Morgan, Nelson, Powell, Reedus and Register—15.

Mr. Johnston, of Perry, who voted in the affirmative, moved to reconsider the vote just taken, and to lay that motion on the table.

Carried.

Mr. Jones moved to suspend the consideration of special orders—Governor's message and message from the Senate—to allow committees generally to make reports.

Carried.

Mr. Hale then reported favorably to the bill, to give to the records of the probate court, in certain cases, the same effect as is by law given to the records of courts of general jurisdiction, and the bill was ordered to be engrossed.

Message from the Governor, by Watt Phelan, Esq., private secretary:

Mr. Speaker: His excellency the Governor has approved a bill, which originated in the House of Representatives, entitled: An act to repeal an act therein named.

Mr. Hale reported adversely to the bill to amend sections 2796, 2797 and 2798, of the Code.

Also, adversely to the bill to facilitate and make effectual the jurisdiction of the probate court, and said reports were severally concurred in.

Mr. Martin, of Talladega, reported favorably to the bill to amend the law in relation to appeals, amended by the committee as follows:

In section first, after the words "or other defect," insert the words "such defect." Add the following section:

SECTION II. *Be it further enacted*, That no appeal shall be dismissed by said supreme court on account of a defect in the appeal bond without giving the applicant an opportunity to substitute a good bond, but in case of such defect being brought to the knowledge of the court by objection on the part of the appellee, the appelliant shall be allowed until the next term of the court to give a new bond unless the objection is waived by the appellee.

Said amendment was adopted and the bill ordered to be engrossed.

Mr. Martin, of Talladega, reported an amendment to the bill to regulate the pay of witnesses in criminal cases, as follows:

Strike out section four, and insert the following:

*Be it further enacted*, That it shall be the duty of the clerk of the circuit court, when the same is true, to state on the face of the certificate, that the same is for having approved before

the grand jury, and it shall be the duty of such clerk, if no bill be found, and the defendant is not convicted, or if convicted and execution is returned, "no property found," nor the prosecutor is taxed with the costs, or if so taxed when an execution therefor, is returned "no property found," to endorse on such certificate, when presented to him, the within certificate is a good claim against the county, date and sign the same, and such certificate shall be receivable in payment of debts due the county, or may be paid by the county treasurer out of any fines or forfeitures which may be collected by such county.

Said amendment was adopted.

Mr. Williamson moved to amend said amendment as follows:

*Provided*, That no person shall be entitled to compensation under the provisions of this bill who shall have himself sought, to be called before the grand jury in cases where the State fails in the prosecution.

Said amendment was adopted.

The question then was on the amendment of the committee, and the same was adopted, and the bill as amended ordered to be engrossed.

Mr. Jones reported a substitute for the bill to repeal the usury laws.

Mr. Goode moved to amend by striking out twelve and a half per cent.

Mr. Morgan moved to indefinitely postpone the consideration of the bill and amendment.

Mr. Adams: to postpone until Tuesday next, at 11 o'clock.

Mr. Bulger: to postpone until Friday the 29th, at 1 o'clock.

Mr. Adams moved to adjourn.

Lost.

Yeas 12, nays 74.

Yeas—Messrs. Adams, Clayton, Herndon, Johnston of Perry, Lesueur, Nelson, Powell, Register, Scott, Slade and Stiff—11.

Nays—Messrs. Allen, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskaloosa, Bulger, Calfee, Caldwell, Cary, Chamberlain, Clarke, Coleman, Cullum, Denman, Dillard, Echols, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Harris, Higgins, Hobbs, Holly, Houston, Irby, Jackson, Jeter, Johnson of Tallapoosa, Jones, Kennedy, Little, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Pennington, Pynes, Reedus, Reid, Richardson of Cherokee, Richardson of Monroe, Sheffield, Simpson, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Tal-

ley, Thompson, Walden, Warren, Weaver, Williamson Wood and Wright—74.

The question then recurred on the motion of Mr. Bulger to postpone, &c., and the motion prevailed.

Yeas 50, nays 36.

Yeas—Messrs. Speaker, Bell of Talladega, Brewer, Brown of Marion, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Clarke, Cloud, Coleman, Denman, Echols, Edwards, Flournoy, Harris, Higgins, Hobbs, Irby, Jackson, Johnston of Perry, Johnston of Tallapoosa, Kennedy, Majors, Martin of Talladega, McCall, Morgan, Murphy of Henry, Nabors, Neal, Nelson, Parker, Pennington, Powell, Reedus, Register, Richardson of Cherokee, Scott, Sheffield, Simpson, Smith of Coosa, Smith of Jefferson, Staton, Stiff, Talley, Thompson, Walden, Warren, Weaver and Wright—50.

Nays—Messrs. Adams, Allen, Baugh, Bell of Franklin, Bradley, Browder, Cary, Chamberlain, Clayton, Cullum, Dillard, Drummond, Espy, Eustace, Goode, Griffin, Hale, Hammonds, Herndon, Holly, Houston, Jeter, Jones, Lesueur, Mardis, Martin of Dale, McRae, Murphree of Pike, Pynes, Reid, Richardson of Monroe, Slade, Smith of Lauderdale, Smith of Randolph, Williamson and Wood—36.

Mr. Williamson reported the following bills as correctly enrolled, viz :

To authorize justices of the peace to apportion hands on the roads in Pickens county ;

To amend the criminal law in relation to rape, incest and adultery ;

To repeal an act therein named.

Mr. Cullum offered the following rule, which lies over one day, viz :

*Resolved*, That no member of this House be allowed during the time the same is in session, to sit in the gallery to entertain the ladies.

The hour of 2 o'clock arrived, and on motion, the House adjourned until Monday morning, at 9½ o'clock.

MONDAY, January 18th, 1858.

House met pursuant to adjournment.

Prayer by Rev. Mr. Mitchell.

The journal of Saturday was read and approved.

The Speaker announced the following committee under the rule adopted by the House on Saturday, viz :

Messrs. Herndon, Clayton, Bell of Franklin, Johnston of Perry, Clarke, and Smith, of Randolph.



Mr. Slade was added to the committee on Propositions and Grievances.

#### CALL OF THE COUNTIES.

Mr. Nelson introduced a bill to amend the estray law in Baldwin county.

Mr. Cary : a bill to authorize A. D. Cary, judge of probate of Conecuh county, to act as such in a certain case therein named ;

Mr. Griffin : a bill to create an additional company beat and election precinct in Marshall county.

Said bills were severally read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered to be sent forthwith to the Senate.

Mr. Wright introduced a bill to amend section 2564 of the Code, in relation to attachments ; also,

A bill to regulate appeals from the decision of the justices of the peace, in Benton county ;

Mr. Jackson : a bill to allow appeals from the probate courts in certain cases ;

Mr. Williamson : a bill to regulate the fees of judges of probate ;

Mr. Harris : a bill to regulate the practice in the probate court in contested will cases.

Mr. Jones : a bill to amend the law for the prevention of frauds ;

Mr. Herndon : a bill to amend section 2454 of the Code ;

Mr. Chamberlain : a bill in regard to adjusters of averages ; which were severally read, and the constitutional rule being suspended, were severally read the second time forthwith, and referred to the committee on the Judiciary.

Mr. Edwards introduced a bill to fix the ratio of the educational fund of the State of Alabama ; which was read, and the constitutional rule being suspended, read the second time forthwith, and referred to the committee on Education.

Mr. Cary presented the petition of sundry citizens of Conecuh county, in regard to the Bellville Male and Female Academy ; which was referred to the committee on Corporations.

Mr. Bell, of Franklin, introduced a bill to incorporate the Franklin Guards ; which was read, and the constitutional rule being suspended, the same was read the second time forthwith, and referred to the committee on Military.

Mr. Echols introduced a bill to prevent the killing of stock on railroads ; which was read, and the constitutional rule being

suspended, the same was read the second time forthwith, and referred to the committee on Propositions and Grievances.

Mr. Thompson introduced a bill to authorize Robt. C. Abercrombie, of Macon county, to practice law in the courts of this State; which was read, and ordered to a second reading.

Mr. Harris moved to suspend the call of the counties to enable him to offer a resolution.

Carried.

Mr. Harris then offered the following resolution; which was adopted:

*Resolved*, That the committee on Privileges and Elections be instructed to inquire into the expediency of providing for compensation to managers at elections, held under the authority of the laws of this State, and that said committee be instructed to report by bill or otherwise.

Mr. Kennedy presented the petition of Washington Michell and others, citizens of Marion county; which was referred to the committee on County Boundaries.

Mr. Jones introduced a bill to amend the laws as to taxation; which was read, and the constitutional rule being suspended, the same was read the second time forthwith, and referred to the committee on Ways and Means.

Mr. Drummond introduced a bill for the relief of Harry B. Marks; and,

On motion of Mr. Walden, the constitutional rule was suspended, and the bill was read the second time forthwith, and referred to the committee on Divorce and Alimony.

Mr. Chamberlain presented the petition of the heirs at law of John A. Kennedy; which was referred to the committee on Propositions and Grievances.

Mr. Dillard introduced a bill to authorize James H. Weaver, to have the roof and plastering of the capitol repaired.

Mr. Wood: a bill to amend an act therein named, incorporating the White Plume Riflemen.

Said bills were severally read the first time, and under a suspension of the constitutional rule, was severally read the second and third times forthwith, and passed.

Mr. Johnston, of Perry, introduced a bill, to give to Mrs. Winne Bland contro: of a certain estate, which was read the first time, and the constitutional rule being suspended the same was read the second and third times forthwith and passed, and ordered to be sent forthwith to the Senate.

Mr. Molton introduced a bill, with petition, to establish an inferior court in the county of Montgomery.

Mr. Williamson, a bill to authorize the executrix of B. W.

Mangum to sell real estate of deceased; which bills were severally read, and the constitutional rule being suspended, the same were severally read the second time and referred to the committee on the Judiciary.

Mr. Johnston, of Perry, introduced a bill to exempt certain property from levy and sale for the use of families, which was read, and the constitutional rule being suspended the same was read the second time forthwith, and referred to a committee of four, viz: Messrs. Johnston of Perry, Herndon, Clayton and Scott.

Mr. Houston introduced a bill to pay witnesses before grand juries, which was read the first time, and the constitutional rule being suspended, the same was read the second and third times forthwith and passed.

Mr. Remson moved to suspend the call of counties to allow him to offer a resolution.

Lost.

Mr. Martin, of Talladega, introduced a bill to amend an act therein named, incorporating the Alabama Coal Mining company, which was read, and the constitutional rule being suspended, the same was read the second time forthwith and referred to the committee on Corporations.

Mr. Martin, of Talladega, introduced a bill to increase the salaries of the state treasurer and secretary of state, so as to equalize the salaries of the state officers, which was read, and the constitutional rule being suspended, the same was read the second time forthwith and referred to the committee on Ways and Means.

Mr. Bulger introduced a bill to incorporate the Tallapoosa Mill and Bridge company, which was read, and the constitutional rule being suspended, the same was read the second time forthwith and referred to the committee on Propositions and Grievances.

The Chair announced the vote taken on Saturday on the bill to repeal the usury laws, which bill was under consideration when the House adjourned on said day, which had been taken on the evening before, and had not been announced, and the bill was indefinitely postponed.

Mr. Morgan moved to reconsider the vote by which the House postponed the consideration of the bill.

Mr. Clayton moved to postpone the consideration of said motion until Wednesday next, and the motion prevailed.

Mr. Bulger introduced a bill to incorporate the Winston Male College, which was read and the constitutional rule being sus-

pended, the same was read the second time forthwith and referred to the committee on Military Affairs.

Mr. Wood presented the petition of James A. Binford, and others, citizens of Rodgersville in Lauderdale county, with map, &c., which was referred to the committee on Corporations.

Mr. Bulger introduced a bill to enable the quarter-master general of Alabama to rent an arsenal, which was read and the constitutional rule being suspended, the same was read the second time forthwith and referred to the committee on the Military.

Mr. Hale moved to suspend the business before the House to enable him to make a report from a select committee.

Carried.

Mr. Hale reported favorably to the bill to change the time of holding some of the Fall terms of the chancery courts of the middle chancery division, as amended by the committee as follows: Amend, by striking out the word counties in the 29th line in the bill, and insert in lieu thereof the word county; also, strike out the words, Autauga and, in the same line; also strike out the word four in the 31st line, and insert in lieu thereof the word three; also insert after the word necessary, in the same line, the following: for the fortieth district, composed of the county of Autauga, which is hereby erected into a separate chancery district, at Kingston, on the first Monday after the fourth Monday of November, and may continue in session three days.

Said amendment was adopted, and the bill as amended ordered to be engrossed.

Mr. Clayton moved to suspend the business before the House to allow him to offer a resolution.

Carried.

Mr. Clayton then offered the following resolution, which was adopted:

*Resolved*, that the use of the Hall of the House of Representatives be tendered to General William Walker, in which to deliver an address on the subject of Nicaraguan affairs; *provided*, same does not interfere with the regular meetings of the House.

Mr. Staton moved to suspend the call of the counties to take from the table a bill for the relief of Austin Murphree, sheriff of Blount county.

Carried.

And the House concurred in the amendment of the Senate to said bill.

Mr. Jones, from the committee on the Judiciary, reported a substitute for the bill to change the mode of electing the county treasurer and county surveyor of the county of Butler.

Said substitute was adopted, and under a suspension of the constitutional rule, read three times and passed.

Mr. Jones reported a substitute for the bill to increase the jurisdiction of justices of the peace in certain cases.

Said substitute was adopted, and the bill read three times under a suspension of the constitutional rule and passed.

Mr. Jones reported favorably to the bill to amend the law in relation to the summoning of witnesses to the circuit court of Marengo county, and the bill was read the third time and passed.

Mr. Jones reported adversely to the bill to require persons instituting suits against the administrators of deceased persons to give security for costs, &c. ;

To amend section 1881 of the Code ;

To repeal and substitute sections 1911 and 1912 of the Code of Alabama ;

To amend section 1953 of the Code of Alabama ; said reports were severally concurred in.

Mr. Jones reported favorably to the bill to compel the personal attendance of witnesses in civil cases, amended by the committee as follows: After the word "party" where it occurs in the tenth line of the first section, and after the word "application" where it occurs in the twenty-first line of said section insert the words "his agent or attorney;" after the word "that" where it occurs in the tenth line of said section insert the words "he believes" after the word "order;" when it occurs in the fifteenth and eighteenth lines respectively of said section, insert the words "and a subpoena;" strike out the word "has" where it occurs in said eighteenth line and insert in lieu thereof the word "have." Said amendment was adopted, and the bill as amended ordered to be engrossed.

Mr. Jones reported back to the House the petition of sundry citizens of Benton and Cherokee counties, asking the repeal of section 3048 of the Code of Alabama, and asked leave for the committee to be discharged from the further consideration of the same, and the petition, on motion of Mr. Jones, was then laid on the table.

Mr. Jones reported favorably to the bills for the relief of James H. Daughdrill, Elisha B. Lott and Henry Hunt, tax collectors of Mobile county ;

To amend section 2182 of the Code of Alabama ; and said bills were severally ordered to be engrossed.

Mr. Jones reported adversely to the bill for the relief of James Camp, executor of Joseph Camp, deceased.

Mr. Pennington moved to lay the report on the table, the motion prevailed and the bill was ordered to be engrossed.

Mr. Jones reported back to the House the bill to amend section 1910 of the Code of Alabama, amended by the committee by striking out the words "and title five" where they occur at the end of said bill, and inserting in lieu thereof the words "or in chapter 3, of title five, in part II.," and recommended its passage as amended. Said amendment was adopted, and the bill as amended, ordered to be engrossed.

Mr. Jones reported adversely to the bill to amend the law in relation to bail and civil suits; report concurred in, and the bill laid on the table.

Mr. Jones reported favorably to the bill to compensate D. W. Bain, for services rendered to the State of Alabama.

Mr. Griffin moved to amend by striking out five hundred.

Mr. Johnston, of Perry, moved to insert two hundred.

The question first was on striking out, and said motion prevailed.

Yeas 66, nays 20.

Yeas—Messrs. Speaker, Aldridge, Allen, Baugh, Bell of Talladega, Boatright, Brewer, Brock, Browder, Brown of Marion, Bulger, Calfee, Caldwell, Cloud, Coleman, Denman, Dillard, Drummond, Echols, Edwards, Eastace, Flournoy, Goode, Griffin, Hammonds, Harris, Hobbs, Holly, Houston, Irby, Jackson, Jeter, Johnson of Tallapoosa, Kennedy, Little, Mabry, Mardis, Martin of Dale, McRae, Morgan, Murphree of Pike, Murphy of Henry, Neal, Nelson, Parker, Pynes, Reedus, Register, Reid, Richardson of Cherokee, Richardson of Monroe, Scott, Sheffield, Simpson, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Talley, Thompson, Walden, Weaver and Wright—66.

Nays—Messrs. Adams, Bell of Franklin, Bradley, Brown of Tuskaloosa, Cary, Clayton, Cullum, Hale, Higgins, Jones, Lesueur, Martin of Talladega, McCall, Pennington, Powell, Slade, Stiff, Tait, Williamson and Wood—20.

Mr. Wood moved to lay the bill on the table.

Lost.

Yeas 34, nays 52.

Yeas—Messrs. Speaker, Adams, Bell of Franklin, Bell of Talladega, Bradley, Brown of Tuskaloosa, Caldwell, Chamberlain, Clayton, Cullum, Herndon, Hobbs, Houston, Irby, Johnston of Perry, Jones, Lesueur, Martin of Talladega, McCall, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nelson, Pennington, Powell, Register, Scarborough, Slade, Stiff, Tait, Williamson, Wood and Wright—34.

Nays—Messrs. Aldridge, Allen, Baugh, Boatright, Brewer, Brock, Brown of Marion, Bulger, Calfee, Coleman, Dillard, Drummond, Echols, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Harris, Higgins, Holly, Jackson, Jeter, Johnson of Tallapoosa, Kennedy, Little, Mabry, Mardis, Martin of Dale, McRae, Neal, Parker, Pynes, Reedus, Reid, Richardson of Cherokee, Richardson of Monroe, Sheffield, Simpson, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Talley, Thompson, Walden, Warren and Weaver—52.

Mr. Murphree, of Pike, moved to amend by inserting “three hundred.”

The question, first, was on motion to insert “three hundred ;” and the motion was lost.

Mr. Harris moved to insert two hundred and fifty.

Lost.

The question then was on the motion of Mr. Johnston, of Perry, to insert two hundred ; and the motion was lost.

Mr. Smith, of Lauderdale, moved to fill the blank with one hundred.

Mr. Browder moved to fill the blank with one hundred and fifty.

Lost.

The question then was on the motion to insert one hundred ; and the amendment was adopted.

Mr. Holly moved to amend the bill as follows: amend the bill so that the banks shall pay the attorney’s fee in the bill to compensate D. W. Baine, instead of the State.

Lost.

Mr. Herndon moved to amend as follows :

SEC. 2. *Be it further enacted*, That this act shall not be used in evidence for any purpose, at any trial that may hereafter take place for recovery of compensation for services rendered in said suit against the Commercial Bank of Alabama.

Mr. Smith, of Lauderdale moved to lay the motion on the table.

The motion prevailed.

Yeas 42, nays 37.

Yeas—Messrs. Baugh, Boatright, Brewer, Brock, Browder, Brown of Marion, Bulger, Coleman, Dillard, Echols, Espy, Eustace, Flournoy, Goode, Griffin, Hammonds, Holly, Houston, Jackson, Jeter, Johnson of Tallapoosa, Kennedy, Mabry, Martin of Dale, Murphy of Henry, Neal, Parker, Pynes, Reedus, Reid, Richardson of Cherokee, Richardson of Monroe, Sheffield,

Simpson, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Staton, Talley, Thompson, Walden and Warren—42.

Nays—Messrs. Speaker, Adams; Bell of Franklin, Bell of Talladega, Bradley, Calfee, Caldwell, Chamberlain, Clayton, Cullum, Harris, Herndon, Higgins, Johnston of Perry, Jones, Lesueur, Mardis, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphree of Pike, Nelson, Pennington, Powell, Register, Scarborough, Scott, Slade, Smith of Randolph, Stiff, Tait, Weaver, Williamson, Wood and Wright—37.

The question was then on ordering the bill to be engrossed; and the bill was so ordered.

Yeas 44, nays 34.

Yeas—Messrs. Speaker, Aldridge, Allen, Baugh, Boatright, Brewer, Brock, Browder, Brown of Marion, Bulger, Coleman, Denman, Dillard, Echols, Espy, Eustace, Flournoy, Goode, Griffin, Hammonds, Holly, Jackson, Jeter, Johnson of Tallapoosa, Kennedy, Mabry, Martin of Dale, Neal, Parker, Pynes, Reedus, Reid, Richardson of Cherokee, Richardson of Monroe, Sheffield, Simpson, Smith of Coosa, Smith of Lauderdale, Staton, Talley, Thompson, Walden and Warren—44.

Nays—Messrs. Adams, Bell of Franklin, Bell of Talladega, Bradley, Calfee, Clayton, Hale, Harris, Herndon, Houston, Irby, Johnston of Perry, Jones, Lesueur, Mardis, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphy of Henry, Pennington, Powell, Register, Scarborough, Scott, Slade, Smith of Randolph, Stiff, Tait, Weaver, Williamson, Wood and Wright—34.

Mr. Jones reported favorably to the Senate bill to amend sections 2471 and 2472 of the Code; and the bill was ordered to a third reading.

Mr. Jones reported adversely to the bill declaring James Hays a liner between the counties of Bibb and Perry.

Mr. Staton moved to lay the report on the table.

Lost.

And on motion of Mr. Johnston, of Perry, the further consideration of the report was postponed until Thursday, the 21st instant, at 11 o'clock.

Mr. Jones reported adversely on the bill declaring George Anderson and L. L. Daniel, citizens of Barbour county.

And on motion of Mr. Jones, the further consideration of said report was postponed until Thursday next, at 11 o'clock.

Also, adversely to the petition of Rachel Virginia Hurt.

Report concurred in, and the report laid on the table.

The hour of half past one arrived, and the House adjourned until half past three o'clock, this evening.



## AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Jones moved to suspend all afternoon business to allow committees generally to report.

Carried.

## REPORT FROM THE JUDICIARY COMMITTEE.

Mr. Jones reported adversely to the bills:

For the relief of executors, administrators and guardians;

To alter and amend the law in relation to settlement of estates of deceased persons;

Providing by whom cost is to be paid in certain cases;

To amend section 1698 of the Code of Alabama;

To compensate guards;

To provide for the summary punishment of slaves for capital offences, by amending section 3316 of the Code;

To regulate suits in courts of law.

Said reports were severally concurred in.

Mr. Jones reported favorably to the bills:

To amend the law as to days of grace on bills of exchange;

Authorizing the filing of bills in chancery in certain cases;

To amend the law in relation to appeals from justices courts;

To reprint certain volumes of the Alabama Reports.

Said bills were severally ordered to be engrossed.

Also, adversely to the bill, to make Margaret Lucinda Cain a free dealer.

And on motion of Mr. Jones, the report and bill was laid on the table.

Mr. Jones moved to reconsider the vote by which the adverse report on the bill providing by whom cost is to be paid in certain cases, was concurred in.

Carried.

The vote was considered and the report was concurred in.

Mr. Jones reported favorably to the bill, to extend the jurisdiction of the probate court in certain cases.

And on motion of Lesueur, the constitutional rule was suspended, the bill read the third time and passed.

Also, favorably to the bill to prevent gaming among slaves, amended by the committee by striking out "one hundred" in the sixth line of the second section, and inserting in lieu, the words "twenty-five."

Said amendment was adopted, and the bill as amended, ordered to be engrossed.

Also, favorably to the bill, to amend section 3568 of the Code in relation to witnesses before grand juries; and said bill was ordered to be engrossed.

Also, favorably to the bill to extend the Fall terms of the circuit court for Talladega county; and under a suspension of the constitutional rule, said bill was read three times and passed.

Also favorably to the bill:

To repeal section 2806 of the Code, so far as it relates to the county of Sumter;

And the constitutional rule was suspended, the bill read three times and passed.

Also reported back the bill to amend and enlarge section 2811 of the Code, and asked to be discharged from the further consideration of the same.

On motion of Mr. Jones, said bill was laid on the table.

Also reported back the bill to incorporate the Bethel Male and Female Academy, in the county of Pike, and ask to be discharged from its further consideration.

On motion, said bill was referred to the committee on Corporations.

Mr. Jones reported adversely to the bills:

To amend section 3116 of the Code of Alabama;

To amend section 1708 of the Code of Alabama;

To amend section 1923 of the Code of Alabama;

To regulate the duties of the several counties of this State;

To authorize married women owning separate estates to be sued at law; said reports were severally concurred in.

Also reported back the bill to repeal certain sections of an act therein named, and asked that the committee be discharged from the further consideration of the same.

Said report was laid on the table; and,

On motion of Mr. Morgan, the constitutional rule was suspended, and said bill read three times and passed.

Also reported favorably to the bill to regulate the drawing of the grand juries for the county of Marion.

On motion of Mr. Kennedy, the constitutional rule was suspended, and said bill was read three times and passed.

Message from the Governor, by Mr. Phelan:

Mr. Speaker: His excellency, the Governor, has approved of bills, which originated in the House of Representatives, of the following titles:

An act to amend the criminal law in relation to rape, incest and adultery;

An act to authorize justices of the peace to apportion hands on the roads in Pickens county.

Mr. Jones reported favorably to the bill to amend section 2471 of the Code; amended by the committee as follows:

After the word "creditor," when it occurs at the end of the twentieth line of the first section of said act, insert the following words, "and giving bonds as in attachment cases."

Said amendment was adopted, and the bill ordered to be engrossed.

Also favorably to the bill, to amend section 739 of the Code; amended by the committee as follows:

By inserting after the word "Code," where it occurs in the fifth line of said bill, the words "except judges of the supreme court."

And on motion said report, bill and amendment, was laid on the table.

Mr. Wood moved to suspend reports in order to have the Governors message read; said motion prevailed.

Message was read; and the accompanying papers, on motion of Mr. Wood, was laid on the table.

Mr. Hale moved to suspended reports, in order to take up general orders.

Carried.

The engrossed bill:

To improve sections 2319 and 2320 of the Code of Alabama, was read the third time.

Mr. Hale moved to suspend general orders for the purpose of taking up bills on their second reading.

Carried.

The bill more effectually to provide for the recovery of runaway slaves, was read the second time, and referred to the committee on the Judiciary.

The bill:

To amend the free school laws of this State, was read the second time, and referred to the committee on Education.

The bill:

To establish a company beat in Marshall county, was read the second time, and the constitutional rule being suspended, the same was read the third time, and passed.

The bills:

To establish a medical board in Autauga county;

To authorize the county commissioners of Baldwin county to establish one or more precincts in said county;

To incorporate the trustees of Pushmataha school in the county of Choctaw; were severally read the second time, and the constitutional rule being suspended, the same were severally read the third time, and passed.

The bills :

To limit the boundaries of incorporated towns;

To incorporate the Clarke county Matonic Institute, at Choc-taw Corner; were severally read the second time, and referred to the committee on Corporations.

The bill:

In relation to the estate of William Walker, deceased, was read the second time, and referred to the committee on Ways and Means.

Mr. Cloud moved to suspend business, &c., in order to take up the Senate bill:

To legalize the sale of section 16, township 3, range 6, east, in Jackson county.

The motion prevailed, and said bill was read the first time, and under a suspension of the constitutional rule, the same was read the second and third time forthwith, and passed, and ordered to the Senate.

Mr. Houston moved to suspend business, &c., in order to take up the bill:

To appropriate a part of the three per cent. fund.

The motion prevailed, and said bill was read the second time and referred to the committee on Internal Improvements.

The bill:

To make Sarah E. Teague, of the county of Henry, a free dealer, was read the second time.

Mr. Murphy, of Henry, moved to suspend the constitutional rule, to give the bill a third reading forthwith.

The motion prevailed, and the bill was read the third time, and passed.

Mr. Irby offered the following rule:

*Resolved*, That after Monday next, the House commence holding night sessions, and will meet at seven o'clock, and adjourn at nine.

Which resolution under the rule lies over one day.

And the hour of 5 o'clock having arrived, the House adjourned until to-morrow morning, at half past 9 o'clock.

TUESDAY, January 19, 1858.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Petrie.

The journal of yesterday was read, corrected and approved.

Mr. Molton moved to suspend the regular order of business, to allow special committee to report. Carried.

Mr. Powell, from select committee, to whom was referred the Senate bill:

To provide for annual sessions of the General Assembly, and for annual elections of Representatives thereto, reported the same back to the House, amended by the committee as follows:

First amendment:

After the word "House," in the first section, add the following:

*Provided*, That the first session under the provisions of this act, shall convene on the second Monday of November, 1859.

Second amendment:

SECTION 2. *Be it further enacted*, That it shall be the duty of the sheriff, and other officers, charged with the management of the general election in 1859, ask of each voter as he presents his vote, "are you in favor of annual sessions of the legislature?" and indorse his answer yea or nay, on the back of his ticket. And the several sheriffs shall make return of the votes cast for or against the said proposition, to the same officer, and in the same manner as they are now required to make returns for Governor, and for failing to do so, shall be subject to the same penalties, and should a majority of the votes cast, at said election, be in favor of annual sessions, this act shall have full force and effect, but if a majority vote against annual sessions, the same shall be inoperative and void.

Third amendment:

Strike out section "two," in the second section and insert section "three;" and recommend the passage of the bill as amended.

Mr. Clayton moved to lay said report on the table, and the motion prevailed.

Yeas 42, nays 41.

Yeas—Messrs. Speaker, Adams, Aldridge, Bell of Franklin, Boatright, Brock, Bulger, Calfee, Cary, Chamberlain, Clarke, Clayton, Colbert, Coleman, Dillard, Edwards, Flournoy, Griffin, Hobbs, Holly, Johnson of Tallapoosa, Jones, Kennedy, Little, McRae, Molton, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Powell, Pynes, Register, Reid, Remson, Scarborough, Sheffield, Simpson, Smith of Coosa, Smith of Lauderdale, Staton, Thompson, Walden and Wood—42.

Nays—Messrs. Allen, Baugh, Bell of Talladega, Bennett, Bradley, Brewer, Brown of Marion, Brown of Tuskalooza, Caldwell, Denman, Espy, Eustace, Hammonds, Harris, Herndon, Houston, Irby, Jackson, Lesueur, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, Morgan, Nelson, Pennington, Richardson of Monroe, Richardson of Cherokee, Scott, Slade, Smith of Jefferson, Smith of Randolph, Stiff, Talley, Tait, Warren, Weaver and Williamson—41.

Mr. Martin, of Talladega, moved to postpone the further consideration of the bill until Thursday, 21st instant, at 10½ o'clock A. M., of that day.

Mr. Murphree, of Pike, moved to reconsider the vote by which the House laid the report of the committee on the table.

Lost.

Yeas 41, nays 50.

Yeas—Messrs. Allen, Baugh, Bell of Talladega, Bennett, Bradley, Brown of Marion, Brown of Tuskalooza, Calfee, Caldwell, Chamberlain, Clarke, Cullum, Denman, Eustace, Goode, Hammonds, Harris, Houston, Jackson, Jones, Lesueur, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, Murphree of Pike, Pennington, Powell, Remson, Scarborough, Scott, Slade, Smith of Jefferson, Smith of Randolph, Stiff, Talley, Tait, Weaver and Williamson—41.

Nays—Messrs. Speaker, Adams, Aldridge, Bell of Franklin, Boatright, Brewer, Brock, Browder, Bulger, Cary, Clayton, Cloud, Colbert, Coleman, Dillard, Edwards, Espy, Flournoy, Griffin, Hale, Higgins, Hobbs, Holly, Irby, Jeter, Johnston of Tallapoosa, Kennedy, Little, Mabry, McRae, Molton, Morgan, Murphy of Henry, Neal Nelson, Parker, Pynes, Register, Reid, Richardson of Cherokee, Richardson of Monroe, Sheffield, Simpson, Smith of Coosa, Smith of Lauderdale, Staton, Thompson, Walden, Warren and Wood—50.

Mr. Wood moved to amend the bill as follows:

*Be it further enacted,* That it shall be the duty of the sheriffs and other officers charged with the management of the general election to be held on the first Monday of August, 1858, to ask each of the voters as he presents his vote, "are you in favor of annual sessions of the legislature," and endorse his answer, yea or nay, on the back of his ticket, and the several sheriffs shall make return of the votes cast for or against the said proposition to the same officer, and in the same manner as they are now required to make returns for Governor; and for failing so to do shall be subject to the same penalties. And should a majority of the votes cast at said election be in favor of annual sessions, this act shall have full force and effect, but if a majority vote against annual sessions, the same shall be in-operative and void.

The question was first on the motion to postpone, and the same was lost.

Mr. Martin, of Talladega, moved to amend the amendment offered by Mr. Wood, by striking out "1858," and inserting "1859," at the regular election for members of the General Assembly.

The hour of 11 o'clock having arrived, for which hour there were special orders,

On motion of Mr. Caldwell, the consideration of special orders was suspended, in order to dispose of the bill before the House.

Mr. Williamson called the previous question.

Lost.

Yeas 18, nays 71.

Yeas—Messrs. Aldridge, Bell of Franklin, Colbert, Coleman, Molton, Flournoy, Goode, Little, McGhee, Murphy of Henry, Pynes, Register, Richardson of Cherokee, Simpson, Tait, Thompson and Walden—18.

Nays—Messrs. Speaker, Adams, Allen, Baugh, Bell of Talladega, Bennett, Bradley, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Cary, Chamberlain, Clarke, Clayton, Cloud, Cullum, Denman, Dillard, Edwards, Eustace, Griffin, Hale, Hammonds, Harris, Herndon, Hobbs, Holly, Houston, Irby, Jackson, Jeter, Johnson of Tallapoosa, Jones, Kennedy, Lesueur, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Morgan, Murphree of Pike, Nabors, Nelson, Pennington, Powell, Reedus, Reid, Remson, Richardson of Monroe, Scarborough, Scott, Sheffield, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Talley, Warren, Weaver, Williamson and Wood—71.

Mr. Smith, of Lauderdale, moved to lay the amendment of Mr. Martin, of Talladega, on the table, and the motion prevailed.

Yeas 47, nays 40.

Yeas—Messrs. Speaker, Aldridge, Allen, Bell of Franklin, Boatright, Brock, Bulger, Clayton, Cloud, Colbert, Coleman, Dillard, Echols, Edwards, Espy, Flournoy, Goode, Griffin, Higgins, Hobbs, Holly, Jeter, Johnson of Tallapoosa, Jones, Kennedy, Little, Mardis, Martin of Dale, McRae, Molton, Murphree of Pike, Nelson, Pynes, Register, Reid, Remson, Richardson of Cherokee, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Lauderdale, Staton, Thompson, Walden, Warren and Wood—47.

Nays—Messrs. Baugh, Bell of Talladega, Bennett, Bradley, Brewer, Brown of Marion, Brown of Tuskalooza, Calfee, Caldwell, Cary, Clarke, Denman, Eustace, Hale, Hammonds, Harris, Herndon, Houston, Irby, Jackson, Mabry, Majors, Martin of Talladega, McCall, Morgan, Murphy of Henry, Neal, Parker, Pennington, Powell, Reedus, Richardson of Monroe, Scarborough, Scott, Smith of Jefferson, Smith of Randolph, Stiff, Talley, Weaver and Williamson—40.

Mr. Mardis moved to amend the amendment as follows: And shall also ask them if said annual sessions shall commence in 1858 or 1859, and endorse their answer yea or nay.

Mr. Molton moved to lay said amendment on the table.

Motion prevailed.

Yeas 47, nays 34.

Yeas—Messrs. Speaker, Aldridge, Bell of Franklin, Bennett, Brewer, Brock, Brown of Tuskaloosa, Bulger, Chamberlain, Cloud, Colbert, Dillard, Echols, Espy, Flournoy, Goode, Griffin, Higgins, Holly, Irby, Jackson, Jeter, Kennedy, Lesueur, Little, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Pynes, Register, Reid, Remson, Richardson of Cherokee, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Lauderdale, Staton, Stiff, Tait, Thompson, Walden, Wood—47.

Nays—Messrs. Adams, Allen, Baugh, Bell of Talladega, Bradley, Brown of Marion, Calfee, Caldwell Cary, Clarke, Clayton, Cullum, Denman, Eustace, Hale, Harris, Houston, Johnson of Tallapoosa, Mardis, Martin of Dale, Martin of Talladega, Nelson, Parker, Pennington, Powell, Reedus, Richardson of Monroe, Scarborough, Scott, Smith of Jefferson, Smith of Randolph, Talley, Warren and Weaver—34.

The question then was on the amendment of Mr. Wood.

Mr. Smith, of Lauderdale, moved to lay the amendment on the table.

Motion was lost.

Yeas 7, nays 80.

Yeas—Messrs. Bell of Talladega, Calfee, Chamberlain, Eustace, Flournoy, Smith of Lauderdale and Williamson—7.

Nays—Messrs. Speaker, Adams, Aldridge, Baugh, Bell of Franklin, Bennett, Bradley, Brewer, Brock, Brown of Marion, Brown of Tuskaloosa, Bulger, Caldwell, Cary, Clarke, Clayton, Cloud, Colbert, Coleman, Cullum, Denman, Dillard, Drummond, Echols, Edwards, Espy, Goode, Griffin, Hale, Harris, Herndon, Higgins, Hobbs, Holly, Houston, Jackson, Jeter, Johnson of Tallapoosa, Jones, Kennedy, Lesueur, Little, Mabry, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphy of Henry, Nabors, Neal, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Register, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Talley, Tait, Thompson, Walden, Warren, Weaver and Wood—80.

Mr. Wood moved to amend the amendment, as follows: strike out the words "of the general election, 1858," where they occur in the fourth and fifth lines of the amendment, and insert in



lieu thereof, the following: "at an election to be held on the first Monday of August, 1858, under the same officers and regulations as general elections, and by adding the following: *Provided*, That if a majority of the votes of said State shall vote for annual sessions the Governor shall issue his proclamation calling the legislature together on the day mentioned in this bill."

Mr. Martin, of Talladega, moved to postpone the further consideration of the bill and amendments until 10½ o'clock to-morrow morning.

Lost.

The question then was on Mr. Wood's amendment to the amendment, and the same was adopted.

Yeas 61, nays 24.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Bell of Franklin, Bradley, Brewer, Brown of Marion, Brown of Tuskalooza, Bulger, Clarke, Clayton, Cloud, Colbert, Cullum, Dillard, Drummond, Echols, Edwards, Espy, Goode, Griffin, Hale, Harris, Herndon, Hobbs, Holly, Johnson of Tallapoosa, Jones, Kennedy, Lesueur, Little, Mabry, Mardis, Martin of Dale, McGhee, McRae, Molton, Morgan, Nabors, Neal, Nelson, Powell, Pynce, Reedus, Register, Reid, Remson, Richardson of Cherokee, Scarborough, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Randolph, Staton, Thompson, Walden, Weaver and Wood—61.

Nays—Messrs. Baugh, Bell of Talladega, Browder, Caldwell, Denman, Eustace, Flournoy, Houston, Jackson, Jeter, Martin of Talladega, McCall, Murphree of Pike, Murphy of Henry, Parker, Pennington, Richardson of Monroe, Scott, Smith of Lauderdale, Stiff, Talley, Tait, Warren and Williamson—24.

The amendment of Mr. Wood was then adopted.

Mr. Herndon moved to amend the bill as follows:

SECTION 3. *Be it further enacted*, That section 174 of the Code, so far as it applies to the election of the members of the House of Representatives, be, and the same is hereby repealed, and that hereafter the election of members of the House of Representatives in each county in this State, are to be held on the first Monday in August of each year: *Provided*, The first election to be held under this act shall be on the first Monday of August, in 1858.

Mr. Molton called the previous question.

Lost.

Yeas 33, nays 50.

Yeas—Messrs. Speaker, Aldridge, Allen, Bell of Franklin, Brewer, Bulger, Clarke, Cloud, Colbert, Echols, Edwards, Espy, Flournoy, Goode, Griffin, Holly, Kennedy, Molton, Nabors,

Neal, Pynes, Register, Reid, Remson, Richardson of Cherokee, Sheffield, Simpson, Slade, Smith of Coosa, Staton, Tait, Thompson, Walden and Wood—33.

Nays—Messrs. Adams, Baugh, Bell of Talladega, Bradley, Brown of Marion, Brown of Tuskaloosa, Calfee, Caldwell, Cary, Clayton, Cullum, Denman, Dillard, Eustace, Hale, Hammonds, Harris, Herndon, Hobbs, Houston, Irby, Jackson, Jeter, Johnson of Tallapoosa, Jones, Lesueur, Little, Mabry, Majors, Mardis, Martin of Talladega, McCall, Morgan, Murphree of Pike, Murphy of Henry, Nelson, Parker, Pennington, Powell, Reedus, Richardson of Monroe, Scarborough, Scott, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Stiff, Talley, Weaver and Williamson—50.

On motion of Mr. Wood, the amendment of Mr. Herndon was laid on the table.

Yeas 50, nays 36.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Bell of Franklin, Bennett, Boatright, Brewer, Brock, Browder, Brown of Tuskaloosa, Bulger, Calfee, Clarke, Cloud, Colbert, Coleman, Denman, Echols, Espy, Eustace, Flournoy, Goode, Griffin, Holly, Jeter, Kennedy, Lesueur, Little, McGhee, McRae, Molton, Nabors, Neal, Powell, Pynes, Register, Reid, Richardson of Cherokee, Sheffield, Simpson, Slade, Smith of Coosa, Staton, Stiff, Thompson, Walden, Warren, Weaver and Wood—50.

Nays—Messrs. Baugh, Bell of Talladega, Brown of Marion, Caldwell, Cary, Chamberlain, Clayton, Cullum, Dillard, Hammonds, Harris, Herndon, Hobbs, Houston, Irby, Jackson, Mardis, Martin of Dale, Martin of Talladega, McCall, Morgan, Murphree of Pike, Murphy of Henry, Nelson, Parker, Pennington, Reedus, Remson, Richardson of Monroe, Scarborough, Scott, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Tait and Williamson—36.

Mr. Wood called the previous question.

Lost.

Yeas 43, nays 46.

Yeas—Messrs. Speaker, Aldridge, Allen, Bell of Franklin, Boatright, Browder, Bulger, Cary, Colbert, Coleman, Dillard, Echols, Edwards, Espy, Flournoy, Goode, Griffin, Holly, Jeter, Johnson of Tallapoosa, Little, Martin of Dale, McGhee, McRae, Molton, Morgan, Nabors, Neal, Pynes, Register, Reid, Remson, Richardson of Cherokee, Sheffield, Simpson, Slade, Smith of Coosa, Staton, Tait, Thompson, Walden, Warren and Wood—43.

Nays—Messrs. Adams, Baugh, Bell of Talladega, Bennett, Bradley, Brown of Marion, Brown of Tuskaloosa, Calfee, Cald-

well, Chamberlain, Clarke, Clayton, Cullum, Denman, Eustace, Hale, Hammonds, Harris, Herndon, Hobbs, Houston, Irby, Jackson, Jones, Kennedy, Lesueur, Mabry, Majors, Mardis, Martin of Talladega, McCall, Murphree of Pike, Murphy of Henry, Nelson, Parker, Pennington, Powell, Reedus, Richardson of Monroe, Scarborough, Scott, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Stiff and Weaver—46.

Mr. Houston moved to amend as follows:

*Be it further enacted,* That hereafter the mileage to be charged by the members of the two houses of the General Assembly, shall be computed by the nearest land route, by which the seat of government can be reached, by traveling over the public roads of this State.

Mr. Wood moved to suspend the rule requiring the House to adjourn at 1½ o'clock.

Mr. Jackson called the yeas and nays on suspending the rule; when,

On motion, the House adjourned until 3½ o'clock, this evening.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Irby moved to suspend the consideration of the general orders, for the purpose of proceeding with the bill under consideration when the House adjourned.

Mr. Caldwell called the yeas and nays on the motion to adjourn.

Carried.

Yeas 68, nays 10.

Yeas—Messrs. Speaker, Adams, Aldridge, Baugh, Bell of Franklin, Bennett, Boatright, Brock, Browder, Brown of Tuska-loosa, Bulger, Cary, Chamberlain, Clarke, Clayton, Cloud, Colbert, Coleman, Cullum, Denman, Espy, Eustace, Flournoy, Goode, Griffin, Hammonds, Herndon, Higgins, Hobbs, Holly, Houston, Irby, Jackson, Johnson of Tallapoosa, Jones, Lesueur, Little, Mabry, Majors, Mardis, Martin of Dale, McCall, McRae, Morgan, Murphree of Pike, Neal, Nelson, Parker, Pynes, Reedus, Register, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Sheffield, Simpson, Smith of Coosa, Smith of Randolph, Staton, Stiff, Thompson, Walden, Warren, Weaver, Williamson and Wood—68.

Nays—Messrs. Bell of Talladega, Bradley, Brewer, Calfee, Caldwell, Hale, Martin of Talladega, Murphy of Henry, Scott, and Smith, of Jefferson—10.

Mr. Irby moved the following amendment to the amendment of Mr. Houston, viz :

*Be it further enacted,* That members of the General Assembly shall not be allowed to charge by way of mileage, more than their actual travelling expenses to and from the seat of government.

Mr. Caldwell moved a substitute as follows :

*And be it further enacted,* That hereafter the President of the Senate and the Speaker of the House, shall receive seven dollars, and the other members five dollars for each days attendance; and be allowed actual, necessary travelling expenses to and from the General Assembly.

*And be it further enacted,* That all laws contravening the provisions of this act, be, and the same are hereby repealed.

Mr. Griffin moved to lay the substitute on the table, and the motion prevailed.

Yeas 54, nays 31.

Yeas—Messrs. Speaker, Aldridge, Baugh, Bell of Franklin, Brock, Cary, Chamberlain, Cloud, Coleman, Denman, Dillard, Echols, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Higgins, Hobbs, Holly, Houston, Irby, Jackson, Kennedy, Mabry, Majors, Martin of Dale, McCall, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Powell, Pynes, Reedus, Register, Reid, Richardson of Cherokee, Richardson of Monroe, Scarborough, Sheffield, Smith of Jefferson, Smith of Randolph, Staton, Talley, Thompson, Walden, Warren, Weaver and Wood—54.

Nays—Messrs. Allen, Bell of Talladega, Bennett, Bradley, Brown of Marion, Brown of Tuscaloosa, Bulger, Calfee, Caldwell, Clarke, Clayton, Colbert, Hale, Hammonds, Harris, Herndon, Johnson of Tallapoosa, Lesueur, Little, Mardis, Martin of Talladega, McRae, Pennington, Remson, Scott, Simpson, Slade, Smith of Coosa, Tait and Williamson—31.

Mr. Molton called the previous question, and the previous question was sustained.

Yeas 47, nays 45.

Yeas—Messrs. Speaker, Aldridge, Bell of Franklin, Bennett, Boatright, Brock, Bulger, Cary, Clarke, Cloud, Colbert, Coleman, Dillard, Echols, Edwards, Espy, Flournoy, Goode, Griffin, Higgins, Hobbs, Holly, Jeter, Johnson of Tallapoosa, Majors, Mardis, McGhee, McRae, Molton, Morgan, Murphy of Henry, Pynes, Reedus, Register, Reid, Remson, Richardson of Cherokee, Sheffield, Simpson, Slade, Smith of Coosa, Staton, Stiff, Thompson, Walden, Warren and Wood—47.

Nays—Messrs. Adams, Allen, Baugh, Bell of Talladega, Brad-

ley, Brown of Marion, Brown of Tuskalooza, Calfee, Caldwell, Chamberlain, Clayton, Cullum, Denman, Drummond, Eustace, Hale, Hammonds, Harris, Herndon, Houston, Irby, Jackson, Jones, Kennedy, Lesueur, Little, Mabry, Martin of Dale, Martin of Talladega, McCall, Murphree of Pike, Nabors, Neal, Nelson, Parker, Pennington, Powell, Richardson of Monroe, Scarborough, Scott, Smith of Randolph, Tait, Weaver and Williamson—45.

And the bill, as amended, was ordered to a third reading.

Yeas 51, nays 42.

Yeas—Messrs. Speaker, Aldridge, Allen, Baugh, Bell of Franklin, Bennett, Boatright, Brock, Browder, Bulger, Cary, Clarke, Cloud, Colbert, Dillard, Echols, Edwards, Espy, Flournoy, Goode, Griffin, Higgins, Hobbs, Holly, Jeter, Johnson of Tallapoosa, Little, Mardis, Martin of Dale, McGhee, McRae, Molton, Morgan, Murphy of Henry, Nabors, Neal, Pynes, Reedus, Register, Reid, Richardson of Cherokee, Sheffield, Simpson, Slade, Smith of Coosa, Staton, Stiff, Thompson, Walden, Warren and Wood—51.

Nays—Messrs. Adams, Bell of Talladega, Bradley, Brewer, Brown of Marion, Calfee, Caldwell, Clayton, Coleman, Cullum, Denman, Drummond, Eustace, Hale, Hammonds, Harris, Herndon, Houston, Irby, Jackson, Jones, Kennedy, Lesueur, Mabry, Majors, Martin of Talladega, McCall, Murphree of Pike, Nelson, Parker, Pennington, Powell, Remson, Richardson of Monroe, Scarborough, Scott, Smith of Jefferson, Smith of Randolph, Talley, Tait, Weaver and Williamson—42.

Mr. Molton moved to reconsider the vote just taken, and to lay that motion on the table, and the motion prevailed.

Yeas 52, nays 35.

Yeas—Messrs. Speaker, Aldridge, Baugh, Bell of Franklin, Bennett, Boatright, Brock, Bulger, Cary, Clarke, Cloud, Colbert, Coleman, Dillard, Echols, Edwards, Espy, Flournoy, Goode, Griffin, Higgins, Hobbs, Holly, Jeter, Johnson of Tallapoosa, Little, Majors, Martin of Dale, McGhee, Molton, Morgan, Murphy of Henry, Nabors, Neal, Powell, Pynes, Reedus, Register, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Sheffield, Simpson, Slade, Smith of Coosa, Staton, Stiff, Thompson, Walden, Warren and Wood—52.

Nays—Messrs. Adams, Bell of Talladega, Bradley, Brewer, Brown of Marion, Brown of Tuskalooza, Calfee, Caldwell, Chamberlain, Clayton, Cullum, Denman, Drummond, Eustace, Hale, Hammonds, Harris, Herndon, Irby, Jackson, Jones, Kennedy, Lesueur, Mabry, Mardis, Martin of Talladega, Murphree of Pike,

Parker, Pennington, Scarborough, Scott, Smith of Jefferson, Smith of Randolph, Talley, Tait and Williamson—35.

Message from the Senate :

The Senate bill :

For the relief of John S. Barnes, was read the first time, and the constitutional rule being suspended, the same was read the second time forthwith, and referred to the committee on Accounts and Claims.

The Senate bills :

To incorporate the Yorkville Academy of Pickens county ;

Joint resolution in regard to the cession of West Florida ;

To amend section 2409 and 2410 of the Code of Alabama ;

To amend 3047 of the Code ; were severally read the first time and ordered to a second reading.

The Senate bills :

To incorporate the trustees of the Synod of Alabama ;

To prevent the retail of spirituous liquors within two miles of the Baptist Church, near Pine Level, in the county of Montgomery ; were severally read the first time, and the constitutional rule being suspended, the same were severally read the second and third times forthwith and passed.

The Senate bills :

To release executors in certain cases from making annual settlements in the probate court ;

To reduce the expenses of appeals to the supreme court in certain cases ; were severally read the first time, and under a suspension of the constitutional rule, the second time forthwith, and referred to the committee on the Judiciary.

Mr. Wood moved to suspend the business before the House to enable him to offer a resolution.

Carried.

Mr. Wood then offered the following resolution, which was adopted, viz. :

*Resolved*, That the committee on Military Affairs be instructed to inquire what arms are now due the State of Alabama in the distribution of arms by the general government, and whether they are of the latest improvement, and why the same have not been received by the State, and that they have power to report by bill, joint resolution or otherwise.

The House concurred in the amendments of the Senate to the House bill :

To provide for binding the manuscript acts of the legislature.

Also, in the amendment of the Senate to the House bill :

Authorizing the commissioners court to apply six hundred

dollars out of the fines and forfeitures to make the office of judge of probate of Sumter county fire-proof.

Also, in the amendment of the Senate to the House bill:

To allow compensation to viewers of public roads in Benton county.

Mr. Williamson, from the committee on Enrolled Bills, to whom was referred the following bills, find them correctly enrolled:

A bill to be entitled an act to incorporate the Mobile and Ohio Telegraph company;

A bill to be entitled an act to provide for the administration on the estate of John Troup, deceased;

A bill to be entitled an act to incorporate the North Alabama Agricultural and Mechanical Association;

A bill to be entitled an act to amend the insolvent debtors' law;

A bill to be entitled an act to amend the charter of the Mobile Steamship company, and the act to provide for the incorporation of steamship companies;

A bill to be entitled an act for the relief of George Powell of Blount county;

A bill to be entitled an act to amend section 2175 of the Code of Alabama;

A bill to be entitled an act to prevent the adulteration of liquors, &c.;

A bill to be entitled an act to amend the laws in regard to bail in civil actions;

A bill to be entitled an act to amend and repeal in part an act therein named;

A bill to be entitled an act to amend the charter of the Mobile Bay Road company;

A bill to be entitled an act to extend the operation of section 2768 of the Code;

A bill to be entitled an act for the relief of Wm. J. Mims, administrator, and George W. Zeigler, of Autauga county;

A bill to be entitled an act to repeal an act to consolidate the offices of judge of probate and clerk of the circuit court of Hancock county, approved February 2, 1854;

A bill to be entitled an act to repeal an act therein named, relating to the deposit of moneys in the Savings Bank of Mobile;

A bill to be entitled an act to amend section 1136 of the Code;

A bill to be entitled an act to amend section 1065 of the Code of Alabama;

A bill to be entitled an act to amend section 3992 of the Code in reference to the fees of sheriffs in criminal cases;

A bill to be entitled an act for the relief of Nicholas Hudson, jailor of Blount county ;

A bill to be entitled an act to authorize the people of Pike county to elect the county surveyor of said county ;

Joint resolutions declining to accept a certain portion of the grant, and carry into execution the trust conferred upon the State of Alabama by an act of Congress, entitled an act granting public lands in alternate sections to the State of Alabama, to aid in the construction of certain railroads in said State, approved January 3, 1856.

The Senate bill

To amend section 1132 of the Code, was read the first time, and the constitutional rule being suspended, the same was read the second time forthwith.

When the hour of 5 o'clock arrived, the House adjourned until to-morrow morning at 9½ o'clock.

WEDNESDAY, January 20th, 1858.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

The journal was read and approved.

Mr. Williamson, from the committee on Enrolled Bills, reported the following bills as correctly enrolled, viz :

To incorporate the Somerville Male and Female Academy in Henry county, and for other purposes.

Mr. Irby, from the committee on Ways and Means, reported adversely to the resolution in favor of reducing the taxes of this State.

The hour of 11 o'clock, A. M., arrived, for which hour there were special orders.

On motion of Mr. Irby, the consideration of special orders were suspended for the purpose of allowing committee on Ways and Means to report.

Mr. Baugh moved to lay the report on the table.

Lost.

Yeas 32, nays 52.

Yeas—Messrs. Baugh, Brewer, Brown of Marion, Bulger, Caldwell, Denman, Drummond, Edwards, Espy, Eustace, Griffin, Higgins, Johnson of Tallapoosa, Jones, Kennedy, Mardis, Martin of Talladega, Morgan, Nelson, Parker, Register, Richardson of Cherokee, Richardson of Monroe, Scarborough, Sheffield, Simpson, Slade, Smith of Randolph, Staton, Stiff, Talley, Walden, Warren and Weaver—34.

Nays—Messrs. Speaker, Aldridge, Allen, Baskins, Bell of Franklin, Bell of Talladega, Bradley, Brock, Browder, Brown of



Tuskaloosa, Calfee, Cary, Clarke, Clayton, Colbert, Coleman, Dillard, Echols, Flournoy, Goode, Hale, Hammonds, Harris, Holly, Houston, Irby, Jackson, Jeter, Lesueur, Little, Mabry, Majors, McCall, McGhee, McRae, Molton, Murphy of Henry, Nabors, Neal, Pennington, Powell, Pynes, Reedus, Reid, Scott, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Tait, Thompson, Williamson and Wood—52.

The question then recurred on the motion to indefinitely postpone; and the motion prevailed.

Yeas 46, nays 44.

Yeas—Messrs. Adams, Aldridge, Allen, Bell of Franklin, Bell of Talladega, Bradley, Brock, Browder, Brown of Tuskalooosa, Cary, Chamberlain, Clarke, Clayton, Colbert, Coleman, Dillard, Echols, Flournoy, Hale, Hammonds, Harris, Houston, Jackson, Jeter, Lesueur, Little, Mabry, Majors, McCall, McGhee, McRae, Molton, Murphy of Henry, Nabors, Neal, Powell, Pynes, Reedus, Reid, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Tait, Thompson and Williamson—46.

Nays—Messrs. Speaker, Baskins, Baugh, Brewer, Brown of Marion, Bulger, Calfee, Caldwell, Cullum, Denman, Drummond, Edwards, Espy, Eustace, Goode, Griffin, Herndon, Higgins, Holly, Irby, Johnson of Tallapoosa, Jones, Kennedy, Mardis, Martin of Dale, Martin of Talladega, Morgan, Nelson, Parker, Pennington, Register, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Sheffield, Simpson, Smith of Randolph, Staton, Stiff, Walden, Warren, Weaver and Wood—44.

Mr. Wood moved to suspend the consideration of general orders to allow committees to report.

Carried.

Mr. Irby, from the committee on Ways and Means, reported back to the House the bill for the relief of the tax payers of this State, and for other purposes, and asked that the committee be discharged from its further consideration.

Concurred in.

On motion of Mr. Irby, the bill was laid on the table.

Mr. Irby, from the committee on Ways and Means, reported adversely to the bill, to allow James Torbert, of Macon county, to pay the taxes of his real estate in Russell county to the tax collector of Macon county.

The House refused to concur in the report.

Mr. Echols moved to suspend the constitutional rule, &c.

Mr. Mardis offered the following amendment, viz:

That the provisions of this act also apply to F. E. Richardson, of Monroe county, and that he be allowed to pay in Monroe county tax on land lying in Conecuh county.

Mr. Hobbs moved to lay bill and amendment on the table; and the motion prevailed.

Yeas 53, nays 26.

Yeas—Messrs. Speaker, Adams, Allen, Baskins, Baugh, Bradley, Brewer, Brock, Brown of Marion, Bulger, Calfee, Cary, Chamberlain, Clayton, Coleman, Cullum, Denman, Dillard, Drummond, Espy, Eustace, Harris, Hobbs, Houston, Irby, Jackson, Jeter, Johnson of Tallapoosa, Kennedy, Lesueur, Mabry, Martin of Dale, Martin of Talladega, McRae, Murphy of Henry, Nabors, Powell, Pynes, Reedus, Reid, Richardson of Cherokee, Scott, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Stiff, Talley, Tait, Walden and Warren—53.

Nays—Messrs. Aldridge, Bell of Talladega, Clarke, Colbert, Echols, Edwards, Flournoy, Griffin, Hammonds, Higgins, Holly, Little, Mardis, Morgan, Murphree of Pike, Nelson, Parker, Pennington, Register, Richardson of Monroe, Scarborough, Sheffield, Staton, Thompson, Weaver and Williamson—26.

Mr. Irby, from the committee on Ways and Means, reported adversely to the bill to consolidate the offices of tax collector and tax assessor, in the county of Bibb.

Mr. Parker moved to lay the report on the table; and the motion prevailed.

And on motion of Mr. Parker, the constitutional rule was suspended, and the bill was read the third time, and passed.

Yeas 66, nays 13.

Yeas—Messrs. Speaker, Baugh, Bell of Talladega, Bradley, Brewer, Brock, Brown of Marion, Brown of Tuscaloosa, Calfee, Cary, Chamberlain, Clarke, Clayton, Cloud, Cullum, Dillard, Espy, Eustace, Flournoy, Goode, Griffin, Hammonds, Herndon, Holly, Jackson, Jeter, Jones, Kennedy, Lesueur, Little, Majors, Mardis, Martin of Dale, Martin of Talladega, McGhee, McRae, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Parker, Pennington, Register, Reid, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Sheffield, Simpson, Slade, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Talley, Tait, Walden, Warren, Weaver, Williamson and Wood—66.

Nays—Messrs. Adams, Allen, Baskins, Bulger, Denman, Drummond, Harris, Houston, Irby, Pynes, Reedus and Smith of Lauderdale—13.

Mr. Irby, from the same committee, reported adversely to the bill in relation to the estate of Wm. Walker, deceased; and said report was concurred in.

Also, adversely to the bill, to amend the collecting laws of this State.

Mr. Pennington moved to lay report and bill on the table; and the motion prevailed.

Mr. Chamberlain, from committee on Ways and Means, reported favorably to the bill, to amend sections 1056 and 1057 of the Code; and the bill was ordered to be engrossed.

Mr. Griffin moved to suspend reports in order to take from the table the communication in regard to the Coosa and Tennessee Railroad company.

The motion prevailed, and the communication was referred to the committee on Internal Improvements.

Message from the Senate, by Mr. Cain:

Mr. Speaker: The Senate has originated and passed the following bills;

To enlarge the discretionary powers of grand juries;

For the relief of the Missionary Society of the Cumberland Presbyterian Church, at Elyton;

To amend section 1676 of the Code, as to the county of Madison;

An act incorporating the Selma Insurance company;

An act requiring the quarter master general to furnish the Southern Polytechnic Institute at LaGrange, Franklin county, Alabama, with six stand of muskets, and for other purposes.

And the hour of half past one o'clock arrived, and the House adjourned until half past three o'clock, this afternoon.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Clayton, from the committee on Constitutional Amendments, made the following

#### MINORITY REPORT:

The undersigned, members of the committee on Constitutional Amendments, to whom was referred various resolutions proposing amendments to the Constitution, while agreeing with the report of the majority of the committee, for the most part, beg leave to submit a minority report in favor of the resolution, which proposes to strike out the word "nine" where it occurs in sections 16 and 17, of article six of the Constitution, and insert, in lieu thereof "six;" and they also submit briefly the following reasons for the same.

The present Constitution was adopted when the greater part

of the State was but sparsely inhabited; when the inconvenience of getting to the court houses in most instances, by those living at a distance was properly submitted to, rather than incur the expense of building new court houses. Now, however, that objection no longer exists, and we doubt not if the people living in those sections where it is desired to establish new counties, were to devote to that purpose the money (to say nothing of the time) now spent by them alone, in travelling so great a distance, to and from the court houses, it would in a few years amount to a sum sufficient to meet all the expense to which they might be subjected, in the event contemplated. It is argued, however, by some, that it would be an act of injustice to those owning property, and living at or near the court houses. No one could feel the force of this objection, more clearly or stronger than some of the undersigned; but it is proposed to amply protect the interest of those alluded to, by providing that no existing court house shall be changed, and that the boundary of no new county shall run within a certain distance of any court house.

Many other considerations urge themselves upon the minds of the undersigned, but as the properly presenting them would extend the limits of this report to too great a length, they close by expressing the hope that the House will not concur in the report of the majority of the committee, and that the subject will receive that deliberation to which its importance, and the wishes and interests of a large portion of the people of the State entitle it.

Respectfully submitted,

HENRY D. CLAYTON,  
WM. B. RICHARDSON,  
J. B. MARTIN.

And on motion, said report was laid on the table.

Mr. Morgan moved to consider the vote by which the House concurred in the adverse report of the committee on the bill:

To amend the collecting laws of this State; and the House refused to reconsider.

Mr. Brewer moved to suspend the consideration of messages from the Senate, and general orders, to consider bills on their second reading.

The motion prevailed.

Mr. Staton moved to suspend the consideration of bills on their second reading to allow committee on Accounts and Claims to report.

Mr. Griffin moved to amend said motion so as to allow committees generally to report.

Lost.

Question then was on the motion of Mr. Staton.

Lost.

#### BILLS ON SECOND READING.

The bills:

Relating to the official bonds of clerks of the circuit and probate judges;

For speedy punishment of slaves in certain cases in the circuit court;

Declaring Wm. C. Menifee, a liner between the counties of Montgomery and Pike, a citizens of Pike county; were severally read the second time, and referred to the committee on the Judiciary.

The bill:

For the relief of Lewis French, of Marshall county, was read the second time, and referred to the committee on Ways and Means.

The bill:

To incorporate the Citronelle Female Academy, in Mobile county, was read the second time and referred to the committee on Corporations.

The bill;

To prevent camp hunting in the county of Shelby, was read the second time.

Mr. Morgan moved to suspend the rule, to give the bill a third reading forthwith.

Lost.

And the bill was referred to the committee on Propositions and Grievances.

The bill:

To extend the time for the payment of the balance of the principal of the debt due from the Mobile and Ohio Railroad company, to the State of Alabama, was read the second time.

Mr. Hale moved to amend the bill as follows:

*Be it further enacted,* That as a condition of, and for the extension hereby granted, the said Railroad company shall be, and is hereby required, to repay and refund to the State any sum, which the State may be required to pay as fees of counsel or attorneys in the suit of the said company against the State, heretofore decided in the chancery court, as well as the cost thereon.

Said amendment was adopted.

Mr. Nabors moved to amend by striking out "four years," and inserting "three years."

Amend further :

*Provided further*, That the said Railroad company shall pay eight per cent. interest on said debt ; *And provided further*, That said debt shall be payable in three annual installments of one hundred thousand dollars each, and that the interest accruing on said debt shall be paid quarterly.

Mr. Hobbs moved to suspend the rule which required the House to adjourn at 5 o'clock.

Carried.

Mr. Echols moved to adjourn until 7 o'clock this evening.

Mr. Drummond moved to adjourn until half past nine o'clock to-morrow morning.

The motion prevailed.

And the House adjourned until to-morrow morning at half past 9 o'clock.

TUESDAY, January 21st, 1858.

House met pursuant to adjournment.

The journal of yesterday was read and approved.

Mr. Majors moved to suspend the call of the counties to allow him to make a report from the special committee, to whom was referred the petition of sundry citizens of the counties of Marshall, DeKalb and Jackson.

The motion prevailed ; and,

Mr. Majors reported a bill in relation to said petition, to be entitled an act to change and establish the boundary lines between the counties of Marshall, DeKalb and Jackson ; said bills were read the first time, and under a suspension of the constitutional rule, the second and third times forthwith, and passed.

#### CALL OF COUNTIES.

Mr. Bennett introduced a bill :

To define the county line between the counties of Cherokee and DeKalb ; which was read, and under a suspension of the constitutional rule, the same was read the second and third times forthwith ; and

On motion of Mr. Majors, referred to the committee on County Boundaries.

Mr. Warren introduced a bill :

To stay judgments six months by giving good security in certain cases.

Mr. Lesueur introduced a bill :

To amend section 484 of the Code.

Mr. Jones: a bill to provide for the appointment of a commissioner for the preservation of the harbor of Mobile from encroachment, and to prevent obstructions to the navigation thereof.

Also, a bill to amend the law as to judicial proceedings;

Mr. Murphree, of Pike: a bill to aid in the collection of debts from persons moving out of this State; which bills were severally read, and the constitutional rule being suspended, the same were severally read the second time forthwith, and referred to the committee on the Judiciary.

Mr. Smith; of Coosa: introduced a bill to be entitled an act exempting certain persons therein named, from working on the public roads of this State; which was read.

Mr. Smith, of Coosa, moved to suspend the constitutional rule, to give the bill a second reading forthwith; and the House refused to order the bill to be engrossed.

Mr. Smith, of Jefferson, presented the petition of Nathaniel Hawkins and others, citizens of Elyton, in the county of Jefferson; which was referred to the committee on Propositions and Grievances.

Mr. Wood then reported a substitute for said bill; which was adopted, and under a suspension of the constitutional rule, read three times and passed, and ordered forthwith to the Senate.

Mr. Clarke introduced a bill to incorporate a male high school in the town of Moulton, in this State.

Mr. Echols: a bill to incorporate the Schools of Loachapoka, in Macon county.

Mr. Diliard: a bill for the relief of Davis, Stratford & Dillard; which bills were severally read the first time, and the constitutional rule being suspended, the same were severally read the second and third times forthwith, and passed.

Mr. Williamson introduced a bill to authorize the trustees of township 14, of range 13, to collect notes due said township; which was read, and the rule being suspended, the same was read the second time forthwith, and referred to the committee on 16th Sections.

Mr. Flournoy introduced a bill in regard to annual settlements by administrators and guardians in Macon county.

Mr. Molton: a bill to dispense with the tax upon one horse used by overseers; which bills were severally read, and ordered to a second reading.

Mr. Chamberlain introduced a bill to incorporate the Mobile and Point Clear Steamboat company; which was read, and the constitutional rule being suspended, the same was read the sec-

ond time forthwith, and referred to the committee on Corporations.

Mr. Martin, of Talladega introduced a bill to give effect to the dictates of humanity in relation to faithful slaves; which was read.

Mr. Martin, of Talladega moved to suspend the constitutional rule, to give the bill a second reading forthwith, and the yeas and nays were demanded.

Lost—four-fifths not voting in the affirmative.

Yeas 54, nays 32.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Brewer, Brock, Brown of Marion, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Cary, Chamberlain, Clarke, Denman, Edwards, Eustace, Goode, Griffin, Hale, Hammonds, Herndon, Higgins, Houston, Johnson of Tallapoosa, Jones, Kennedy, Lesueur, Majors, Martin of Talladega, McCall, Morgan, Parker, Pennington, Powell, Remson, Richardson of Cherokee, Scarborough, Scott, Slade, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Talley, Thompson, Walden, Weaver, Williamson and Wright—54.

Nays—Messrs. Bradley, Browder, Clayton, Colbert, Coleman, Dillard, Drummond, Espy, Holly, Jackson, Jeter, Johnston of Perry, Lesueur, Mabry, Mardis, Martin of Dale, McRae, Molton, Nabors, Neal, Nelson, Pynes, Reedus, Register, Reid, Richardson of Monroe, Simpson, Smith of Coosa, Smith of Lauderdale, Tait, Warren and Wood—32.

Mr. Clayton moved to lay the motion on the table; and the motion prevailed.

Yeas 44, nays 39.

Yeas—Messrs. Boatright, Bradley, Brewer, Brock, Browder, Clayton, Colbert, Coleman, Dillard, Drummond, Espy, Eustace, Flournoy, Harris, Higgins, Hobbs, Holly, Houston, Jackson, Jeter, Johnston of Perry, Lesueur, Mabry, Mardis, Martin of Dale, McGhee, McRae, Murphree of Pike, Nelson, Pynes, Reedus, Register, Reid, Richardson of Monroe, Scott, Sheffield, Simpson, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Tait, Thompson, Warren and Wood—44.

Nays—Messrs. Speaker, Aldridge, Allen, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Brown of Marion, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Cary, Chamberlain, Clarke, Denman, Goode, Griffin, Hammonds, Herndon, Johnson of Tallapoosa, Jones, Kennedy, Martin of Talladega, McCall, Morgan, Parker, Powell, Remson, Richardson of Cher-



okee, Scarborough, Slade, Smith of Randolph, Stiff, Talley, Walden, Weaver and Wright—39.

Mr. Hammonds moved to reconsider the vote by which the resolution in regard to reducing the taxes of this State, was indefinitely postponed; and the motion was lost.

Yeas 32, nays 50.

Yeas—Messrs. Baugh, Bell of Talladega, Bennett, Brewer, Brown of Marion, Bulger, Caldwell, Denman, Drummond, Edwards, Espy, Eustace, Hammonds, Holly, Johnson of Tallapoosa, Kennedy, Mardis, Martin of Dale, Martin of Talladega, Register, Richardson of Cherokee, Richardson of Monroe, Scarborough, Sheffield, Simpson, Smith of Randolph, Staton, Talley, Warren, Weaver, Wood and Wright—32.

Nays—Messrs. Speaker, Adams, Allen, Baskins, Bell of Franklin, Brock, Brown of Tuscaloosa, Cary, Clarke, Clayton, Colbert, Coleman, Dillard, Echols, Goode, Griffin, Hale, Harris, Hobbs, Houston, Irby, Jackson, Jeter, Jones, Lesueur, Little, Mabry, McCall, McGhee, McRae, Molton, Morgan, Murphree of Pike, Nabors, Neal, Powell, Pynes, Reedus, Reid, Remson, Scott, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Stiff, Tait, Thompson, Walden and Williamson, —50.

Mr. Williamson, from the committee on Enrolled Bills, to whom was referred the following bills, find them correctly enrolled:

A bill to be entitled an act to authorize A. D. Cary, judge of probate Conecuh county, to act as such in a certain case therein named;

A bill to be entitled an act to increase the pay of sheriffs in this State;

A bill to be entitled an act to authorize the probate court of Lowndes to grant letters of administration on the estate of John H. Cottingham;

A bill to be entitled an act to increase the pay of regular and tales jurors in the counties of Choctaw and Clarke;

A bill to be entitled an act to change the name of the county of Hancock;

A bill to be entitled an act to change the time of taking up the State docket in Bibb county;

A bill to be entitled an act for the relief of Walter Trainum;

A bill to be entitled an act for the relief of James Scales, jr.;

A bill to be entitled an act for the relief of L. P. Butler, of Montgomery county;

A bill to be entitled an act for the relief of Austin Murphree, sheriff of the county of Blount.

Message from the Senate, by Mr. Cain :

Mr. Speaker : The Senate has originated and passed bills, as follows :

For the relief of Simeon B. Smith, late tax collector of Tallapoosa county ;

To compensate certain persons therein named ;

Vesting certain powers in the commissioners court of Coosa county ;

To incorporate the trustees of Hopewell Cemetery ;

To alter the hours of public sales by executors, administrators and other officers ;

Also, the following House bills :

To incorporate the Columbus and Tennessee Valley Railroad company ;

To incorporate the Selma and Gulf Railroad company.

Leave of absence was asked for and granted to Messrs. Irby and Smith of Randolph.

Mr. Powell introduced a bill to enable the holder of a bill of exchange or draft, to sue all the parties thereto in the same action.

Mr. Slade introduced a bill to amend the law as to security for costs of suits ; which bills were severally read, and the constitutional rule being suspended, the same were severally read the second time forthwith, and referred to the committee on the Judiciary.

Mr. Adams introduced a bill for the relief of the corporation of the town of Greenville.

Mr. Richardson, of Monroe, introduced a bill to prevent the sale of intoxicating liquors in one mile and a half of the Burnt Corn academy, in Monroe county ; which bills were severally read the first time, and the rule being suspended, the same were severally read the second time forthwith, and referred to the committee on Corporations.

Mr. Reid introduced a bill to define the boundaries of the town of Jasper, in the county of Walker, which was read, and the constitutional rule being suspended, the same was read the second and third times forthwith, and passed, and ordered to the Senate.

Mr. Wright introduced a bill to amend the 11th section of the public school law, approved February 14, 1856, which was read, and rule being suspended, the same was read the second time forthwith, and referred to the committee on Education.

Mr. Talley introduced a bill to amend the laws in relation to the liabilities of railroad companies for killing stock, which was

read the second time forthwith, and referred to the committee on Propositions and Grievances.

Mr. Harris moved to suspend the business before the House to enable him to offer a resolution.

Carried.

Mr. Harris then offered the following resolution, which was adopted:

*Resolved*, That the committee on Propositions and Grievances be instructed to inquire into the expediency of requiring the commissioners court of the several counties in this state, to provide comfortable houses for the holding of the several courts, and that said committee be instructed to report by bill or otherwise.

Mr. Powell moved to suspend the consideration of the special orders in order to consider Senate message and bills on second reading.

Mr. Wright asked and obtained leave to record his vote in the negative, on the vote by which the House on yesterday, indefinitely postponed the consideration of the resolution in regard to the reducing of the taxes of this State.

The House resumed the consideration of the Senate bill to amend section 1132 of the Code, and the question was upon the motion to suspend the rule to give the bill a third reading; the motion was sustained, and the bill read the third time forthwith and passed.

The Senate bill:

Requiring the quarter master general to furnish the Southern Polytechnic Institute at LaGrange, Franklin county, Alabama, with a stand of muskets and for other purposes, was read the first time, and ordered to a second reading.

The Senate bill:

Incorporating the Selma Insurance company, was read, and the constitutional rule being suspended, the same was read the second and third times forthwith and passed.

Mr. Irby moved to amend the title of the bill as follows: To amend an act incorporating the Selma Insurance company, and the amendment was adopted.

Message from the Governor by Watt Phelan, Esq., private secretary:

Mr. Speaker: His Excellency the Governor has approved of bills, which originated in the House of Representatives, of the following titles:

An act for the relief of William J. Mims, administrator, and George W. Zeigler, of Autauga county;

An act to amend and repeal an act therein named;

An act to prevent the adulteration of liquors, &c. ;

An act to amend the law in regard to bail in civil cases ;

An act for the relief of George Powell of Blount county ;

An act to amend the charter of the Mobile Steamship company, and the act to provide for the incorporation of steamship companies ;

An act to amend section 1136 of the Code ;

An act to incorporate the Mobile and Ohio Telegraph company ;

An act to repeal an act therein named, relating to the deposit of moneys in the Savings Bank of Mobile ;

An act to repeal an act to consolidate the offices of judge of probate and clerk of the circuit court of Hancock county, approved February 2, 1854 ;

An act to extend the operations of section 2768 of the Code ;

An act to amend the charter of the Mobile Bay Road company ;

An act to incorporate the North Alabama Agricultural and Mechanical Association ;

An act to authorize the people of Pike county to elect the county surveyor of said county ;

An act to amend section 3992 of the Code in reference to the fees of sheriffs in criminal cases ;

An act to amend section 1065 of the Code of Alabama ;

An act to amend the insolvent debtors' law ;

An act for the relief of Nicholas Hudson, jailor of Blount county ; also,

Joint resolutions declining to accept a certain portion of the grant and carry into execution the trust conferred upon the State of Alabama, by an act of Congress, entitled an act granting public lands, in alternate sections, to the State of Alabama to aid in the construction of certain railroads in said State, approved June 3, 1856.

The Senate bill :

For the relief of Jefferson Falkner, was read the first time, and the constitutional rule being suspended, read the second time forthwith and referred to the committee on Accounts.

The Senate bill :

To provide for the election of two additional trustees for the University of Alabama, was read, the rule suspended and read the second time.

Mr. Tait moved to amend the bill as follows: *Provided*, only two of the trustees in the third circuit at any time, shall be residents of Tuscaloosa county.

Said amendment was adopted, the bill read a third time under a suspension of the rule and passed.

The Senate bills :

To regulate the registration of claims against the counties of Marshall and DeKalb :

To amend an act to incorporate the Elba Insurance company, of Coffee county, approved Feb'y 7, 1856; were severally read the first time, the rule was suspended, the bills severally read the second and third times forthwith and passed.

The Senate bills:

To regulate the fees of the judge of probate of Russell county ;

To increase the pay of the county court commissioners of the county of Randolph ;

For the relief of Henry F. Snow ;

To amend section 97 of the Code; were severally read and ordered to a second reading.

The House concurred in the amendment of the Senate to the House bills, severally:

For the relief of certain persons therein named.

On motion of Mr. Molton :

To incorporate the Mechanics Hook and Ladder company of Montgomery.

On motion of Mr. Mabry :

To authorize Richard J. Tarver and others to establish a ferry across the Alabama river at Selma.

The hour of 12 o'clock having arrived,

Mr. Wood moved to suspend the consideration of general orders for the purpose of proceeding with the business now before the House.

The motion was lost, four-fifths not voting in the affirmative.

Yeas 44, nays 16.

Yeas—Messrs. Speaker, Aldridge, Allen, Baskins, Baugh, Bell of Talladega, Brewer, Brown of Marion, Bulger, Calfee, Coleman, Dillard, Echols, Edwards, Flournoy, Griffin, Herndon, Higgins, Houston, Johnson of Tallapoosa, Little, Mabry, Majors, Martin of Dale, Martin of Talladega, McRae, Parker, Pennington, Pynes, Register, Reid, Richardson of Cherokee, Scarborough, Scott, Simpson, Slade, Smith of Coosa, Smith of Randolph, Staton, Stiff, Tait, Thompson, Walden and Warren—44.

Nays—Messrs. Bradley, Brock, Cloud, Denman, Drummond, Espy, Eustace, Goode, Holly, Jeter, Johnston of Perry, Lesueur, Mardis, Smith of Lauderdale and Talley—16.

And the bill was read the second time under a suspension of the rule, and ordered to a third reading.

Mr. Wood moved to reconsider the vote by which the House

concurrred in the amendment of the Senate to the bill, for the relief of certain persons therein named.

The motion prevailed, and the vote was reconsidered.

Mr. Staton moved that the House refuse to concur in the amendment of the Senate as it regards the appropriation to Joseph Edwards, and the motion prevailed.

The Senate bill :

For the relief of R. P. Evans, of St. Clair county, was read, the rule suspended, and read the second time forthwith.

Mr. Johnson, of Tallapoosa, moved to amend the bill by adding L. B. Abbot, of Tallapoosa county.

Mr. Brown, of Marion, moved to amend by adding Archibald Morris, of Marion county.

Mr. Little: by adding James Snilliba, of Hancock county.

Mr. Mardis moved to lay the bill and amendment on the table; and the motion prevailed.

The Senate bill :

To authorize the judge of probate of Marshall county, to decree a divison of certain property, was read, and the rule being suspended, the same was read the second time forthwith, and referred to the committee on the Judiciary.

The Senate bills:

To provide for more conveniently proving accounts in certain cases;

To provide for the pay of State witnesses in certain cases; were severally read, and ordered to a second reading.

The Senate bills :

For the relief of J. J. Sublett, jailor of Jackson county;

To incorporate the John M. Moore Copper Mining company; were severally read first time, and the rule being suspended, were severally read the second and third times forthwith, and passed.

The Senate bill :

To regulate the probate court of Franklin county, was read, and the rule being suspended, the same was read the second time forthwith.

Mr. Bell, of Franklin, moved to suspend the constitutional rule, to give the bill a third reading, and the House refused to suspend the rule.

Mr. Goode moved to indefinitely postpone the further consideration of the bill, and the motion prevailed.

Yeas 37, nays 28.

Yeas—Messrs. Aldridge, Allen, Baskins, Baugh, Bennett, Brewer, Brock, Clarke, Cloud, Denman, Dillard, Echois, Flournory, Goode, Hale, Harris, Hobbs, Holly, Irby, Jackson, Johnson of Tallapoosa, Maury, Mardis, Martin of Dale, Molton, Mor-

gan, Nelson, Powell, Richardson of Cherokee, Richardson of Monroe, Simpson, Smith of Lauderdale, Stiff, Thompson, Walden, Warren and Weaver—37.

Nays—Messrs. Speaker, Bell of Franklin, Bell of Talladega, Cullum, Edwards, Eustace, Herndon, Houston, Jeter, Johnston of Perry, Kennedy, Lesueur, Little, McRae, Murphy of Henry, Nabors, Neal, Pennington, Pynes, Register, Remson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Randolph, Talley, Williamson, Wood and Wright—28.

The Senate bills:

To extend the act to incorporate the Græffenburg Medical Institute, was read, and the rule being suspend, the same was read the second time forthwith, and referred to the committee on Corporations.

The Senate bill:

To transfer certain property to the University of Alabama, was read, and under suspension of the rule, the same was read the second time.

Mr. Smith, of Lauderdale, moved to amend the bill as follows:

*Provided*, Should this State ever order another Geological survey, then the said apparatus shall revert to and become the property of the State for the purpose of such survey.

Mr. Powell moved to refer the bill and amendment to the committee on the University.

Mr. Mardis: to lay the bill and amendment on the table.

Lost.

And the bill and amendment was then referred to the committee on the University.

The Senate bill:

To incorporate the Rockford Mining company, was read, and the rule being suspended, the same was read the second time forthwith, and referred to the committee on Corporations.

The Senate bill:

To incorporate the Eufaula Rifles, was read the first time, and the rule being suspended, the same was read the second time forthwith, and referred to the committee on Military Affairs.

The Speaker laid before the House a record of divorce; which was referred to the committee on Divorce and Alimony.

The hour of 1½ o'clock arrived, and the House adjourned until 3½ this afternoon.

## AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Jones moved to suspend the regular order of business, to enable him to offer a resolution.

The motion prevailed, and

Mr. Jones offered the following resolution; which was adopted, viz:

*Resolved*, That the communication of the commissioner and trustee of the State Bank and Branches be referred to the committee appointed by this House, to act with a like committee appointed by the Senate, to confer with said commissioner and trustee, and that said committee be authorized to examine the accounts of said commissioner and trustee, and report to this House.

Mr. Scott moved a further suspension, in order to take up and consider various bills.

Lost.

Mr. Baugh moved to suspend business, to take up the annual session bill, and the bill to ratify and confirm the lease made by the trustees of the University of the old State House Alabama, at Tuscaloosa.

Carried.

The Senate bill:

To ratify and confirm the lease made by the trustees of the University of Alabama of the old State House at Tuscaloosa, was read the third time, and passed.

The Senate bill:

To provide for annual sessions of the General Assembly, and for annual elections of representatives thereto, was read the third time.

Mr. Jones moved to suspend the rule requiring the House to adjourn at 5 o'clock.

Carried.

Mr. Powell moved to adjourn.

Lost.

The question then was on the passage of the bill; and,

The yeas and nays were demanded.

And the same was lost.

Yeas 39, nays 54.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Baugh, Bell of Franklin, Bennett, Boatright, Brock, Bulger, Cary, Cloud, Dillard, Echols, Espy, Flournoy, Griffin, Jeter, Johnson of Tallapoosa, Martin of Dale, McGhee, McRae, Molton, Neal, Pynes, Register, Remson, Richardson of Cherokee,



Simpson, Smith of Coosa, Staton, Stiff, Tait, Thompson, Walden, Warren and Wood—39.

Nays—Messrs. Bell of Talladega, Bradley, Brewer, Browder, Brown of Marion, Brown of Tuscaloosa, Calfee, Caldwell, Chamberlain, Clarke, Clayton, Cullum, Denman, Drummond, Edwards, Eustace, Hale, Hammonds, Harris, Herndon, Higgins, Hobbs, Holly, Houston, Irby, Jackson, Johnston of Perry, Jones, Kennedy, Lesueur, Little, Mabry, Majors, Mardis, Martin of Talladega, McCall, Morgan, Murphree of Pike, Murphy of Henry, Nelson, Parker, Pennington, Powell, Reedus, Reid, Richardson of Monroe, Scarborough, Slade, Smith of Jefferson, Smith of Lauderdale, Talley, Weaver, Williamson and Wright—54.

On motion, the House adjourned until half past 9 o'clock, tomorrow morning.

FRIDAY, January 22, 1858.

The House met pursuant to adjournment.

The journal of yesterday's proceedings was read and approved.

The Speaker laid before the House a record of divorce; which was referred to the committee on Divorce and Alimony; also,

Presented the petition of J. D. Williams; which was referred to the committee on Propositions and Grievances.

Mr. Brewer moved to reconsider the vote by which the House on yesterday indefinitely postponed the consideration of the Senate bill, to regulate the probate court of Franklin county.

The motion prevailed.

The question then was on the indefinite postponement of the bill.

And the same was lost.

The bill was then read the third time, and passed.

Mr. Dillard moved to suspend the regular order of business to enable him to introduce a bill.

Carried.

Mr. Dillard introduced a bill to be entitled an act to provide for annual sessions of the General Assembly; which was read, and the constitutional rule being suspended, the same was read the second time forthwith

Mr. Smith, of Lauderdale, moved to amend the bill as follows:

*Provided*, That the first annual session shall commence the second Monday in November, 1859.

Mr. Echols moved to lay said amendment on the table.

Lost.

Yeas 38, nays 52.

Yeas—Messrs. Speaker, Aldridge, Baugh, Boatright, Brock, Clarke, Clayton, Cloud, Colbert, Coleman, Dillard, Echols, Espy, Eustace, Flournoy, Griffin, Hammonds, Higgins, Jeter, Johnson of Tallapoosa, Lesueur, Little, Martin of Dale, McGhee, McRae, Molton, Morgan, Register, Richardson of Cherokee, Sheffield, Simpson, Slade, Smith of Coosa, Tait, Thompson, Walden, Warren and Wood—38.

Nays—Messrs. Adams, Allen, Bell of Franklin, Bell of Talladega, Bennett, Bradley, Brewer, Browder, Brown of Marion, Brown of Tuscaloosa, Bulger, Calfee, Caldwell, Cary, Chamberlain, Denman, Drummond, Edwards, Hale, Harris, Herndon, Holly, Houston, Jackson, Johnson of Perry, Jones, Mabry, Mardis, Martin of Talladega, McCall, Murphree of Pike, Murphy of Henry, Nabors, Neal Parker, Pennington, Powell, Pynes, Reedus, Reid, Remson, Richardson of Monroe, Scarborough, Scott, Smith of Jefferson, Smith of Lauderdale, Staton, Stiff, Talley, Weaver, Williamson and Wright—52.

Mr. Drummond moved to indefinitely postpone the further consideration of the bill and amendment.

The hour 11 o'clock arrived, for which hour there were special orders; and,

On motion of Mr. Dillard, the consideration of special orders was suspended, for the purpose of disposing of the bill now before the House.

The question was first on motion for indefinite postponement, and the same was lost.

Yeas 16, nays 71.

Yeas—Messrs. Bennett, Bradley, Brewer, Chamberlain, Drummond, Hammonds, Kennedy, Mabry, Murphy of Henry, Powell, Reid, Scott Talley, Tait and Williamson—16.

Nays—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Brock, Browder, Brown of Marion, Bulger, Calfee, Caldwell, Cary, Clarke, Clayton, Cloud, Colbert, Coleman, Cullum, Denman, Dillard, Echols, Espy, Griffin, Hale, Harris, Herndon, Higgins, Houston, Jackson, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Lesueur, Little, Mardis, Martin of Dale, Martin of Talladega, McGhee, McRae, Molton, Morgan, Murphree of Pike, Nabors, Neal, Nelson, Pennington, Pynes, Reedus, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Staton, Stiff, Thompson, Walden, Warren, Weaver, Wood and Wright—71.

The question then was upon the amendment, moved by Mr. Smith, of Lauderdale.

The same was lost.

Yeas 45, nays 47.

Yeas—Messrs. Adams, Allen, Baskins, Bell of Talladega, Bradley, Bennett, Brown of Marion, Brown of Tuskalooza, Caldwell, Cary, Chamberlain, Clarke, Denman, Drummond, Edwards, Hale, Harris, Herndon, Holly, Houston, Jackson, Johnston of Perry, Jones, Mabry, Majors, Martin of Talladega, McCall, Murphree of Pike, Murphy of Henry, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Reid, Richardson of Monroe, Scarborough, Scott, Slade, Smith of Lauderdale, Stiff, Weaver, Williamson and Wright—45.

Nays—Messrs. Speaker, Aldridge, Baugh, Boatright, Brock, Browder, Bulger, Calfee, Clayton, Cloud, Colbert, Coleman, Dillard, Echols, Eustace, Flournoy, Griffin, Hammonds, Higgins, Jeter, Johnson of Tallapoosa, Kennedy, Lesueur, Little, Mardis, Martin of Dale, McGhee, McRae, Molton, Morgan, Nabors, Neal, Register, Remson, Richardson of Cherokee, Sheffield, Simpson, Smith of Coosa, Smith of Jefferson, Staton, Talley, Tait, Thompson, Walden, Warren and Wood—47.

Mr. Nabors called the previous question, and the question being shall the main question be now put.

The same was decided in the affirmative.

Yeas 49, nays 38.

Yeas—Messrs. Speaker, Adams, Aldridge, Baugh, Bell of Franklin, Bennett, Boatright, Brock, Browder, Clarke, Clayton, Cloud, Colbert, Coleman, Dillard, Echols, Espy, Flournoy, Griffin, Higgins, Holly, Jeter, Johnson of Tallapoosa, Kennedy, Lesueur, Little, Mardis, Martin of Dale, McGhee, McRae, Molton, Morgan, Nabors, Neal, Powell, Pynes, Register, Reid, Remson, Richardson of Cherokee, Sheffield, Simpson, Slade, Smith of Coosa, Staton, Thompson, Walden, Warren and Wood—49.

Nays—Messrs. Allen, Baskins, Bell of Talladega, Brewer, Brown of Marion, Bulger, Calfee, Caldwell, Cary, Chamberlain, Denman, Eustace, Hale, Hammonds, Harris, Herndon, Houston, Jackson, Johnston of Perry, Mabry, Martin of Talladega, McCall, Murphree of Pike, Murphy of Henry, Nelson, Parker, Pennington, Richardson of Monroe, Scarborough, Scott, Smith of Jefferson, Smith of Lauderdale, Stiff, Talley, Tait, Weaver, Williamson and Wright—38.

The question then was upon ordering the bill to be engrossed for a third reading.

The bill was so ordered.

Yeas 51, nays 40.

Yeas—Messrs. Speaker, Adams, Aldridge, Baugh, Bell of Franklin, Bennett, Boatright, Brock, Bulger, Cary, Clarke, Clay-

ton, Cloud, Colbert, Coleman, Dillard, Echols, Espy, Flournoy, Griffin, Higgins, Hobbs, Holly, Jeter, Johnson of Tallapoosa, Lesueur, Little, Mardis, Martin of Dale, McGhee, McRae, Molton, Morgan, Nabors, Neal, Pynes, Register, Remson, Richardson of Cherokee, Simpson, Slade, Smith of Coosa, Smith of Lauderdale, Staton, Stiff, Tait, Thompson, Walden, Warren and Wood—51.

Nays—Messrs. Allen, Baskins, Bell of Talladega, Bradley, Brewer, Brown of Marion, Brown of Tuscaloosa, Calfee, Chamberlain, Cullum, Denman, Drummond, Edwards, Eustace, Hale, Hammonds, Harris, Herndon, Houston, Jackson, Johnston of P., Kennedy, Mabry, Martin of Talladega, McCall, Murphree of Pike, Murphy of Henry, Parker, Pennington, Powell, Reedus, Reid, Richardson of Monroe, Scarborough, Scott, Smith of Jefferson, Talley, Weaver, Williamson and Wright—40.

Mr. Powell moved a suspension of business to allow him to introduce joint resolutions.

Carried.

Mr. Sheffield: to allow him to introduce a bill.

Carried.

Mr. Powell introduced joint resolution proposing amendments to the constitution; which were read, and ordered to a second reading.

Mr. Sheffield: to authorize the Alabama and Tennessee River Railroad company, and the Tennessee and Coosa Railroad company to unite and form one company; and,

To amend an act therein named; which was read, and the constitutional rule being suspended, the same was read the second time forthwith, and on motion, referred to a select committee composed of the delegations from Marshall, DeKalb, Cherokee, St. Clair, Benton, Talladega and Tuscaloosa.

Mr. Espy moved to suspend the regular order of business, for the purpose of taking up and passing the Senate bill to provide for annual sessions of the General Assembly, &c.

The motion prevailed.

Yeas 55, nays 33.

Yeas—Messrs. Speaker, Aldridge, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Brock, Browder, Brown of Tuscaloosa, Bulger, Calfee, Cary, Clarke, Cloud, Colbert, Coleman, Dillard, Echols, Espy, Eustace, Flournoy, Griffin, Higgins, Holly, Jeter, Johnson of Tallapoosa, Jones, Little, Mardis, Martin of Dale, McGhee, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Pynes, Register, Richardson of Cherokee, Sheffield, Simpson, Slade, Smith

of Coosa, Smith of Lauderdale, Staton, Stiff, Tait, Thompson, Walden, Warren and Wood—55.

Nays—Messrs. Allen, Bradley, Brewer, Brown of Marion, Caldwell, Chamberlain, Clayton, Cullum, Denman, Hale, Hammonds, Harris, Hobbs, Houston, Johnston of Perry, Mabry, Martin of Talladega, McCall, Nelson, Parker, Pennington, Reedus, Reid, Richardson of Monroe, Scarborough, Scott, Smith of Jefferson, Talley, Weaver, Williamson and Wright—33.

Mr. Espy then moved a suspension of the constitutional rule, in order to give the bill a third reading, and the motion was lost, four-fifths not voting in the affirmative.

Yeas 49, nays 36.

Yeas—Messrs. Speaker, Adams, Aldridge, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Brock, Browder, Bulger, Calfee, Cary, Clarke, Cloud, Colbert, Coleman, Dillard, Echols, Espy, Flournoy, Griffin, Higgins, Holly, Jeter, Johnson of Tallapoosa, Jones, Little, Mardis, Martin of Dale, McGhee, McRae, Molton, Nabors, Neal, Pynes, Register, Richardson of Cherokee, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Lauderdale, Staton, Stiff, Tait, Thompson, Walden, Warren and Wood—49.

Nays—Messrs. Allen, Bradley, Brewer, Brown of Marion, Brown of Tuskaloosa, Caldwell, Clayton, Cullum, Denman, Drummond, Eustace, Hale, Hammonds, Harris, Herndon, Houston, Jackson, Johnston of Perry, Mabry, Martin of Talladega, Morgan, Murphree of Pike, Murphy of Henry, Nelson, Parker, Pennington, Reedus, Reid, Richardson of Monroe, Scarborough, Scott, Smith of Jefferson, Talley, Weaver, Williamson and Wright—36.

Mr. Brock moved to suspend the business before the House to enable him to offer a resolution.

Carried.

Mr. Brock then offered the following resolution; which was adopted, viz:

*Resolved*, That the committee on Federal Relations be instructed to inquire into the expediency of memorializing Congress, to apply the three per cent fund arising from the sale of the public lands to the persons of education in this State, with leave to report by joint memorial or otherwise.

Message from the Senate, by Mr. Cain:

Mr. Speaker: The Senate has organized and passed the following bills, viz:

To amend a certain act therein named, relative to the road laws in certain cases;

To authorize administrators of insolvent estates to maintain actions for the recovery of lands in certain cases;

To enlarge the jurisdiction of the probate court of the several counties in this State ;

To incorporate the South and North Alabama Railroad company.

Also, the following House bills :

To incorporate the schools of Loachapoka, in Macon county ;

To locate the county site of Hancock county, amended by the Senate.

The Senate bills :

To enlarge the jurisdiction of the probate court of the several counties of this State ;

To authorize administrators of insolvent estates to maintain actions for the recovery of land in certain cases ;

To amend certain acts therein named relative to the road laws in certain counties ;

To incorporate the South and North Alabama Railroad company ; were severally read, and ordered to a second reading.

The House concurred in the amendment of the Senate to the House bill to locate the county site of Hancock county.

The engrossed bill :

To improve sections 2319 and 2320 of the Code of Alabama, was passed.

Mr. Wood moved to suspend the consideration of bills on their reading, for the purpose of taking up and considering bills on their second reading.

The House resumed the consideration of the bill to extend the time for the payment of the balance of the principal of the debt due from the Mobile and Ohio Railroad company.

The question being upon the adoption of the amendment of Mr. Nabors.

Mr. Hale moved to lay said amendment on the table.

Carried.

Yeas 53, nays 28.

Yeas—Messrs. Speaker, Baugh, Bell of Talladega, Boatright, Bradley, Brewer, Brock, Browder, Brown of Marion, Brown of Tuscaloosa, Bulger, Caldwell, Chamberlain, Clarke, Colbert, Coleman, Dillard, Drummond, Echols, Espy, Griffin, Hale, Harris, Herndon, Higgins, Hobbs, Holly, Houston, Johnson of Tallapoosa, Jones, Kennedy, Little, Mabry, Mardis, Martin of Talladega, Molton, Morgan, Nelson, Pennington, Powell, Reedus, Register, Reid, Richardson of Monroe, Scott, Slade, Smith of Lauderdale, Staton, Walden, Weaver, Williamson, Wood and Wright—53.

Nays—Messrs. Adams, Aldridge, Allen, Bell of Franklin, Calfee, Clayton, Cloud, Denman, Edwards, Eustace, Flournoy,

Hammonds, Jackson, Jeter, Martin of Dale, McCall, McRae, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Pynes, Richardson of Cherokee, Smith of Coosa, Smith of Jefferson, Stiff and Warren—28.

Mr. Hale moved to amend the bill as follows:

Amend by striking out all after the word "debt," in the second from the last line of the 1st section, and insert "annually," at the rate of eight per cent per annum.

SEC. —. *Be it further enacted*, That the Governor of the State of Alabama, at the time he takes security for the extension of said loan, shall take an irrevocable power of attorney for said railroad company, and its securities, given to secure said extension, authorizing the treasurer of the State of Alabama and the comptroller of the State of Alabama, or either of them, or the successors in office of either of them, in default of the payment of either the principal or interest that may accrue, to confess a judgment in the circuit court for Montgomery county, in favor of the State of Alabama against said company and its securities, for the amount that may be due and unpaid under the provisions of this act, and so to continue from time to time to confess judgment for such amounts as may be due and unpaid, either of principal or interest.

*And be it further enacted*, That nothing in this act shall be so construed as to operate as an extension of said debt or to deprive the State of any of its rights or remedies for the immediate collection thereof, until the provisions of this act are assented to by said company, and the security given, and the power of attorney made as herein provided for, and unless the same shall be done on or before the first day of May, 1853, said company shall in no case have any of the benefits of this act, nor shall said debt be extended at any time thereafter.

Mr. Speaker (Mr. Smith, of Lauderdale, in the chair) moved to amend the amendment of Mr. Hale as follows:

*And provided further*, That the failure to pay promptly and punctually the interest as it may fall due, annually, the whole debt shall be deemed and considered as due, and the Governor may therefore proceed to enforce the collection thereof, any provision in this act of extension to the contrary notwithstanding.

Which amendment was accepted by Mr. Hale, and said amendment was adopted.

Mr. Hale moved to amend further by striking out "quarterly," when it occurs in the bill and insert "annually;" and said amendment was adopted.

Mr. Jones moved the following amendment, viz:

SEC. —. *Be it further enacted*, That whereas the loan to said

company by the State was made in notes of the State Bank and Branches, and doubts have arisen as to the legal validity of said loan, and it is desirable that such doubts should be removed, it is hereby declared and enacted, that, by the extension hereby granted and provided for the said railroad company, shall waive and be deemed to have waived any defence or objection to or against the validity of said loan, and shall never be allowed in any legal proceedings, by any plea or otherwise, to question or dispute the validity of said loan, and any violation of the provisions of this section of this act by said company, shall be a cause of forfeiture of its charter.

Said amendment was adopted.

Mr. Hale moved the previous question.

Mr. Williamson moved to suspend the rule requiring the House to adjourn at half past one o'clock.

Mr. Echols moved to adjourn, and said motion prevailed.

And the House adjourned until half past three o'clock, this afternoon.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Hale moved to suspend all evening business to consider bills on their second reading. Carried.

The House then resumed the consideration of the bill to extend the time for payment of the balance of the principal of the debt due from the Mobile and Ohio Railroad company to the State of Alabama.

The question being on the motion of Mr. Hale for the previous question, and the same was sustained.

Yeas 44, nays 23.

Yeas—Messrs. Adams, Aldridge, Bell of Franklin, Bell of Talladega, Bennett, Bradley, Brown of Marion, Brown of Tuscaloosa, Caldwell, Chamberlain, Clarke, Cloud, Colbert, Coleman, Dillard, Drummond, Edwards, Griffin, Hale, Harris, Hobbs, Holly, Houston, Jackson, Jones, Lesueur, Little, Mabry, Majors, Mardis, Martin of Talladega, McCall, Morgan, Nelson, Powell, Pynes, Reedus, Richardson of Monroe, Slade, Smith of Coosa, Staton, Walden, Wood and Wright—44.

Nays—Messrs. Speaker, Allen, Boatright, Brewer, Calfee, Clayton, Eustace, Flournoy, Johnson of Tallapoosa, Kennedy, Martin of Dale, McRae, Murphree of Pike, Hurphy of Henry, Nabors, Neal, Parker, Reid, Richardson of Cherokee, Scarborough, Simpson, Smith of Jefferson, and Warren—23.

And said bills were ordered to be engrossed.



Yeas 48, nays 32.

Yeas—Messrs. Speaker, Bell of Talladega, Bennett, Bradley, Brock, Brown of Marion, Brown of Tuscaloosa, Caldwell, Chamberlain, Clarke, Cloud, Colbert, Coleman, Cullum, Dillard, Drummond, Echols, Griffin, Hale, Harris, Herndon, Hobbs, Holly, Houston, Jackson, Jeter, Jones, Lesueur, Little, Mabry, Majors, Mardis, Martin of Talladega, Molton, Morgan, Nelson, Pennington, Powell, Pynes, Reedus, Slade, Smith of Coosa, Staton, Stiff, Tait, Thompson, Walden and Wood—48.

Nays—Messrs. Allen, Baugh, Bell of Franklin, Boatright, Brewer, Browder, Calfee, Cary, Clayton, Edwards, Eustace, Flournoy, Johnson of Tallapoosa, Kennedy, Martin of Dale, McCall, McRae, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Reid, Richardson of Cherokee, Richardson of Monroe, Scarborough, Simpson, Smith of Jefferson, Talley, Warren, Weaver and Wright—32.

Mr. Morgan moved to suspend the business before the House to allow the committee on Accounts to report.

Lost.

The bills :

To incorporate Forest Hill Female Seminary, in Talladega county ;

To incorporate the town of Columbiana, in the county of Shelby ; were severally read the second time and referred to the committee on Corporations.

The joint resolutions :

To change the time of the meeting of the General Assembly, was read the second time, and referred to the committee on Constitutional Amendments.

The bills :

To provide for the arrest and conviction of negro thieves ;

Providing for garnishment in certain cases ; and,

To amend section 2768 of the Code ;

To extend the powers of the police of the city of Montgomery ;

To amend section 397 of the Code of Alabama ;

To prevent members of the Legislature from receiving extra mileage, &c ;

For the relief of Thos. M. Atkins ;

To amend section 2118 and 2121 of the Code ; were severally read the second time and referred to the committee on the Judiciary.

The bill :

To repeal an act entitled an act to make a loan to the Alabama and Tennessee Rivers Railroad company, passed January 21, 1856, was read the second time.

Mr. Nabors moved to suspend the constitutional rule, to give the bill a third reading forthwith.

Lost.

And the bill was ordered to be engrossed.

The bill:

For the relief of U. T. Cleveland, sheriff of Mobile county, was read the second time and ordered to be engrossed.

The bill:

For the relief of Joshua Lyon, tax collector of Sumter county, was read the second time; and,

On motion of Mr. Houston, the constitutional rule was suspended, and the bill read the third time forthwith, and passed.

The bill:

To divorce Sarah A. Eustis, from her husband, Joseph G. Eustis, and to divorce other persons therein named, was read the second time; and,

On motion of Mr. Nabors, the constitutional rule was suspended, and the bill was read the third time and passed.

The bills:

To divorce certain persons therein named;

To divorce certain persons therein named;

To increase the compensation of the members of the commissioners court for the county of Pike;

To incorporate the Hurricane Academy in Barbour county;

To divorce certain persons therein named;

To divorce James R. Simms, from his wife, Eveline M. Simms;

To divorce certain persons therein named;

Also, the Senate bill:

For the relief of the administrators of the estate of Richard Long, late of Pickens county, deceased; were severally read the second time, and the constitutional rule being suspended, the same were severally read the third time forthwith, and passed.

The bills:

To repeal an act entitled an act to compensate tales juro in certain cases;

To increase the fees of coroners by amending section 3994 of the Code;

To amend the law in relation to the unlawful detainer of lands; were severally read the second time, and the constitutional rule being suspended, the same were severally referred to the committee on the Judiciary.

The bill:

To incorporate the Lincoln Male and Female Academy in Talladega county, was read the second time, and referred to the committee on Corporations.

Message from the Governor, by Watt Phelan, private secretary:

Mr. Speaker: His excellency the Governor has approved of bills which originated in the House of Representatives, of the following titles:

An act to amend section 2175 of the Code of Alabama;

An act to provide for the administration on the estate of John Troup, deceased;

An act to change the time of taking up the State docket in Bibb county;

An act to increase the pay of regular and tales jurors in the counties of Choctaw and Clarke;

An act to authorize the probate court of Lowndes to grant letters of administration on the estate of John H. Cottingham;

An act for the relief of L. P. Buttler of Montgomery county;

An act to authorize A. D. Carey, judge of probate of Conecuh county, to act as such in a certain case therein named;

An act to increase the pay of sheriffs in this State;

An act for the relief of James Scales, Jr.;

An act for the relief of Walter Trainum;

An act to change the name of the county of Hancock;

An act for the relief of Austin Murphree, sheriff of the county of Blount.

Message from the Senate, by Mr. Cain:

Mr. Speaker: The Senate has passed the following bill as amended therein:

To amend section 1537 of the Code of Alabama.

The bill:

To secure to mechanics and builders a lien on work done and materials furnished, was read the second time, and referred to the committee on Propositions and Grievances.

The bill:

For the relief of James Sheppard Diggs, of Dallas county, was read the second time.

Mr. Martin, of Talladega, moved to amend the bill by adding the name of Mary Annah Diggs; said amendment was adopted, and the bill as amended ordered to be engrossed.

Mr. Jackson moved to suspend the business before the House, in order to consider the message just received from the Senate.

Carried.

And the House concurred in the amendment of the Senate to the House bill:

To amend section 1537 of the Code of Alabama.

The bill:

To authorize the recovery of a conventional interest as high as twelve per cent. per annum, was read the second time.

Mr. Bulger moved to lay the bill on the table.

Mr. Martin, of Talladega, moved to postpone the further consideration of the bill until the 29th day of January, instant.

Carried.

The bills:

To amend section 391 of the Code;

And the Senate bills:

To regulate the manner and reduce the expenses of advertising the settlements of executors, administrators and guardians;

Requiring witnesses to appear and testify before grand juries in certain cases therein designated; were severally read the second time, and referred to the committee on the Judiciary.

The bill:

To be entitled an act to reduce the tax on certain property therein specified, was read the second time, and referred to the committee on Ways and Means.

The bill:

To fix the time for musters in this State, and for other purposes, was read the second time; and,

On motion of Mr. Bulger the constitutional rule was suspended, and the bill was read the third time, and passed.

The Senate bill:

To establish election precincts, and for other purposes, was read the second time, and referred to the committee on Privileges and Elections.

The Senate bill:

To amend an act approved February the 3, 1852, to incorporate the North Alabama College, was read the second time, and referred to the committee on Corporations.

The Senate bill:

To regulate the chancery courts for the counties of Franklin and Lauderdale, was read the second time.

Mr. Jackson moved to amend the bill by striking out the words, "in the town of Florence and in the town of Tuscumbia," where they occur in the bill.

Said amendment was adopted.

And on motion of Mr. Wood, the constitutional rule was suspended, and the bill read the third time forthwith, and same was lost.

The Senate bill:

To regulate the time of holding the chancery courts in the counties of Barbour and Sumter, was read the second time, the

constitutional rule was suspended, by motion of Mr. Houston, and the bill was read the third time, and passed.

The hour of five o'clock arrived, and the House adjourned until to-morrow morning, at half past 9 o'clock.

SATURDAY, January 23, 1858.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Hill.

Mr. Smith, of Lauderdale, moved to dispense with the reading of the journal, in order to take up the bill to provide for annual sessions of the General Assembly.

Carried.

And the question being, shall the bill pass, and the same was passed.

Yeas 45, nays 38.

Yeas—Messrs. Speaker, Adams, Aldridge, Baugh, Bell of Franklin, Bennett, Brock, Browder, Bulger, Cary, Clarke, Clayton, Cloud, Colbert, Coleman, Dillard, Echols, Espy, Flournoy, Griffin, Holly, Jeter, Lesueur, Little, Mardis, Martin of Dale, McGhee, McRae, Molton, Nabors, Neal, Pynes, Register, Richardson of Cherokee, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Lauderdale, Staton, Stiff, Tait, Thompson, Walden, Warren and Wood—45.

Nays—Messrs. Baskins, Bell of Talladega, Boatright, Bradley, Brewer, Brown of Marion, Brown of Tuskalooza, Calfee, Caldwell, Chamberlain, Denman, Drummond, Edwards, Eustace, Hammonds, Harris, Higgins, Houston, Johnston of Perry, Mabry, Martin of Talladega, McCall, Morgan, Murphree of Pike, Murphy of Henry, Parker, Pennington, Powell, Reid, Remson, Richardson of Monroe, Scarborough, Smith of Jefferson, Talley, Weaver, Williamson and Wright—38.

Mr. Brewer moved to suspend the reports of the committee, in order to allow the committee on Divorce and Alimony to report.

Mr. Browder moved to amend, so as to allow special committee on the bill to stay executions, &c., to report.

Mr. Pennington moved to amend, so as to allow committee on Sixteenth Sections to report.

Said motions were severally lost.

Mr. Williamson, from the committee on Enrolled Bills, to whom was referred the following bills, find them correctly enrolled :

A bill:

To be entitled an act authorizing the commissioners' court to

apply six hundred dollars out of fines and forfeitures to make the office of judge of probate fire proof ;

A bill :

To be entitled an act to provide for binding the manuscript acts of the legislature ;

A bill :

To be entitled an act to allow compensation to viewers of public roads, in Benton county.

Mr. Holly moved to suspend reports to consider bills on their second reading.

Carried.

Mr. Speaker laid before the House a record of divorce ; which was referred to the committee on Divorce and Alimony.

Mr. Echols moved to suspend the business before the House, in order to consider the bill to extend the time for the payment of the balance of the principal of the debt from the Mobile and Ohio Railroad company, to the State of Alabama.

The motion prevailed, and the bill was read the third time, and passed.

Yeas 53, nays 33.

Yeas—Messrs. Speaker, Baskins, Bell of Talladega, Bennett, Bradley, Brock, Brown of Marion, Brown of Tuskaloosa, Bulger, Caldwell, Chamberlain, Clarke, Colbert, Coleman, Dillard, Drummond, Echols, Griffin, Hale, Harris, Herndon, Higgins, Hobbs, Holly, Houston, Jackson, Jeter, Jones, Lesueur, Little, Mabry, Majors, Mardis, Martin of Talladega, McGhee, Molton, Morgan, Nelson, Pennington, Powell, Pynes, Ramson, Scott, Sheffield, Slade, Smith of Coosa, Smith of Lauderdale, Staton, Tait, Thompson, Walden, Williamson and Wood—53.

Nays—Messrs. Adams, Aldridge, Baugh, Bell of Franklin, Boatright, Brewer, Calfee, Cary, Clayton, Denman, Edwards, Espy, Eustace, Flournoy, Hammonds, Johnston of Perry, Kennedy, Martin of Dale, McCall, McRae, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Reid, Richardson of Cherokee, Richardson of Monroe, Scarborough, Simpson, Smith of Jefferson, Talley, Warren, Weaver and Wright—33.

Mr. Brown, of Tuskaloosa, moved to suspend the consideration of the business before the House, to allow select committee on the Alabama Insane Hospital, to report.

The motion prevailed.

Mr. Brown, of Marion, moved to adjourn.

Lost.

Mr. Brown, of Tuskaloosa, then reported a bill to be entitled an act to provide for the inclosure and improvement of the

grounds of the Alabama Insane Hospital, and supplying the building with furniture; which was read the first time, and the rule being suspended, the same was read the second time forthwith.

PROTEST OF MR. SPEAKER, AND OTHERS:

The House of Representatives having under consideration a bill authorizing an extension of the loan to the Mobile and Ohio Railroad company, the undersigned voted in the affirmative, upon the question of ordering the bill to be engrossed for a third reading; and in the exercise of their constitutional privilege, assign the following as some of the reasons prompting their action in the premises:

The attorney general and other distinguished legal gentlemen of the State, have expressed the opinion that notes of the old State Bank and Branches which were originally paid to the company, were not money, and could not be considered in *law* as a valid or valuable consideration—that the company would thus have a legal defence to any suit that the State might institute for the collection of the amount of the loan—in this we entirely concur. The present bill in addition to other stringent requisitions, requires a *wavier* of this defence, and authorizes the Governor not only to exact ample security for the principal, with eight per cent. interest, but, also a power of attorney executed by the company and its securities, providing for the confession of judgment against them upon the failure to pay promptly the interest or principal, as they may severally fall due. The bill further provides, that the company shall pay all attorney fees and other expenses incurred by the State, and declares that upon the failure of the company to pay the interest at the time that it becomes due, that the Governor may proceed to enforce the collection of the entire debt.

We believe the State is hereby protected from ultimate loss, and under the bill may secure the return of the amount loaned to the company, which under other circumstances, could not be recovered.

We distinctly declare, that if it had been an original proposition to loan or appropriate money to a private corporation, we should unhesitatingly have voted in the negative, as no measure, even remotely contemplating State aid, could under any circumstances receive our assent. Considering the question involved, strictly as that between creditor and debtor concerning a liability already contracted, we feel justified in our course, intending

thereby to secure the payment to the State of what we conceive to be at least a doubtful debt. Whilst there are other and minor reasons influencing our votes, the above are the prominent ones.

C. M. JACKSON.  
 J. W. PENNINGTON.  
 N. H. BROWN.  
 STEPHEN W. HARRIS.  
 N. B. LESUEUR.  
 A. CULLUM.  
 JAMES S. WILLIAMSON.  
 M. J. BULGER.  
 H. D. SMITH.  
 A. J. COLEMAN.  
 JAMES BROCK.  
 A. G. MABRY.  
 J. P. MORGAN.  
 S. S. SCOTT.  
 J. W. ECHOLS.  
 BENJAMIN THOMPSON.  
 WILLIAM M. GRIFFIN.  
 JAMES L. SHEFFIELD.  
 ALFRED HOLLY.  
 THOS. W. STATON.  
 ALEX. SMITH.  
 H. A. MCGHEE.  
 A. LITTLE.  
 J. S. COLBERT.  
 J. C. BASKINS.  
 SAMUEL JETER.  
 JAMES PYNES.  
 A. G. BENNETT.  
 L. M. STIFF.  
 S. A. M. WOOD.

The hour of 11 o'clock having arrived, on motion of Mr. Baugh, the consideration of special orders was suspended to proceed with the bill now before the House.

Mr. Brown, of Tuskalooza, moved to suspend the further consideration of the bill until Tuesday, 26th inst.

Mr. Weaver moved to postpone until 30th inst.

Lost.

The question then was upon the motion of Mr. Brown of Tuskalooza, and the same was sustained.

Message from the Senate by Mr. Cain:



Mr. Speaker: The Senate has originated and passed bills as follows:

- To extend and renew the operation of an act therein named;
  - To amend an act to incorporate the Alabama and Georgia Railroad company, approved January 19, 1850;
  - To regulate the filing of bills in chancery in certain cases.
- Senate has also passed House bills of the following titles:
- To give the probate court of Dallas county jurisdiction over the estate of Calvin Norris, deceased;
  - To define the boundaries of the town of Jasper in the county of Walker;
  - To amend section 3500 of the Code;
  - To amend section 1860 of the Code;
  - To extend the provisions of sections 2451 and 2605 of the Code;
  - To establish a company beat in Blount county;
  - To amend an act therein named, incorporating the White Plume Riflemen;
  - To amend the laws relative to the summoning of witnesses to the circuit court of Marengo county;
  - To create an additional company beat and election precinct in Marshall county;
  - To extend the Fall term of the circuit courts for Talladega county;
  - To amend the estray law in Baldwin county;
  - For the relief of John D. Price of Jefferson county;
  - To authorize James H. Weaver to have the roof and plastering of the capitol repaired;
  - To change the mode of electing the county treasurer and county surveyor of the county of Butler;
  - To pay witnesses before grand juries, amended as therein shown;
  - For the relief of the estate of Abraham Pennington of Choctaw county;
  - To amend section 3249 of the Code;
  - To authorize the court of county commissioners of Pickens county to refund a certain fine.
- Mr. Thompson moved to suspend the business before the House to allow him to introduce a bill.
- Carried.
- Mr. Thompson then introduced a bill to incorporate the town of Union Springs, in Macon county, which was read, and under a suspension of the constitutional rule was read the second and third times forthwith and passed, and ordered forthwith to the Senate.

Mr. Scott asked and obtained leave to record his vote in the affirmative, on the vote ordering the bill to extend the time for the payment of the principal of the debt due from the Mobile and Ohio Railroad company to the State of Alabama, to be engrossed.

Mr. Bulger moved to suspend all business before the House to allow select committee, on the bill authorizing the stay of executions, &c., to make a report.

Lost.

The House concurred in the amendment of the Senate to the House bill to pay witnesses before grand juries.

The Senate bill:

To regulate the filing of bills in chancery in certain cases, was read, and the rule being suspended, the same was read the second time forthwith, and referred to the committee on the Judiciary.

Mr. Harris moved to suspend the business before the House, so as to allow committee on Corporations to report certain bills.

Mr. Flourney moved to amend motion so as to allow special committee on bill to stay executions, &c., to report; said motions severally prevailed, and

Mr. Hale, from the committee on Corporations, reported favorably to the bill to incorporate the town of Maysville, in the county of Madison, and the constitutional rule being suspended, by motion of

Mr. Harris, the bill was read the third time forthwith and passed, and ordered to the Senate.

Mr. Bulger, from the select committee to whom was referred the bills and amendments providing for the stay of executions in certain cases, reported a substitute therefor, to be entitled an act to provide for staying executions in certain cases.

Mr. Molton moved to indefinitely postpone the further consideration of the whole subject.

Mr. Scott moved to postpone the consideration, &c., until Tuesday, 26th instant, at 11 o'clock, A. M.

Message from the Senate by Mr. Cain:

Mr. Speaker: The Senate has originated and passed the following bills:

To authorize registers in chancery to take acknowledgments of conveyances, and administer oaths;

To provide for burning the mutilated bills of the Bank of Montgomery, in the comptroller's office.

Mr. Nabors obtained leave to record his vote in the affirmative on the passage of the bill to provide for annual sessions of the General Assembly.

And, on motion of Mr. Warren, the House adjourned until Monday morning, at half-past nine o'clock.

MONDAY, January 25, 1858.

The House met pursuant to adjournment.

Prayer by Rev. Bishop Cobbs.

The journal of Saturday's proceedings was read and approved.

Mr. Jackson asked and obtained leave to have his protest, in regard to the vote on the bill to extend the time for the payment of the balance of the debt due from the Mobile and Ohio Railroad company to the State of Alabama, spread upon the journal.

#### PROTEST.

The House of Representatives, having under consideration a bill to be entitled an act to extend the loan to the Mobile and Ohio Railroad company, the undersigned voted for said bill and now asks leave to spread his reasons therefor upon the journals. Whilst the undersigned would have voted against any bill or proposition to loan money belonging to the State to any Railroad company, yet this debt, arising out of a loan heretofore made by the State to the Mobile and Ohio Railroad company, of the bills of the old State Bank and Branches, and the attorney general having given it as his official opinion that said loan was illegal, because the notes of the State Bank and Branches were bills of credit, and therefore that any obligation given for them by the company was void and could not be enforced, and many of the ablest jurists of the State concurring in that opinion, the undersigned believed that it was to the interest of the State to extend the debt at eight per cent. interest, upon condition that the company would abandon that defence, give ample security, and a power of attorney to confess judgment, in the event there was any default in the prompt payment of either principal or interest, and thereby render a debt now doubtful, secure to the State.

WILLIAM M. JACKSON.

Mr. Adams moved to suspend the call of the counties, in order to take up certain bills.

Mr. Sheffield moved to amend so as to allow committees to make report.

Mr. Powell called for a division of the question, and the question was first on the motion of Mr. Adams, and the same was carried.

The question then was upon the motion of Mr. Sheffield, and the same was carried.

Mr. Adams then introduced a bill to be entitled an act to repeal an act therein named, so far as the same relates to Butler county, which was read the second and third times forthwith and passed, and ordered forthwith to the Senate.

Also, the bill to be entitled an act to amend an act entitled an act to change the mode of assessing the tax of Butler county, approved of February, 1856, was taken up, read the second time, and under a suspension of the rule, the same was read the third time forthwith and passed, and ordered to the Senate.

Mr. Sheffield from the select committee, to which the same was referred, reported back to the House the bill to authorize the Alabama and Tennessee Rivers Railroad and the Tennessee and Coosa Railroad company to unite and form one company; and to amend an act therein named, amended by the committee as follows: amend section 3, where Davidson gap occurs, by striking out the word "gap" and inserting "hollow," and recommend the passage of the bill as amended.

Said amendment was adopted.

Mr. Powell moved to postpone the further consideration of the bill until Thursday next, at 11 o'clock of that day.

Lost.

Mr. Griffin moved that the bill be postponed until to-morrow, the 26th instant, at 11 o'clock, A. M., and

The motion prevailed.

Mr. Houston moved to suspend business, &c., in order to take up the resolution in regard to night sessions.

Carried.

Mr. Caldwell moved to amend the resolution by adding on Mondays, Wednesdays and Fridays, which was adopted. The question then was upon the adoption of the resolution as amended.

Mr. Bulger moved to postpone until Friday next, at 11 o'clock.

Lost.

Yeas 14, nays 72.

Yeas—Messrs. Speaker, Baskins, Bell of Talladega, Boatright, Bradley, Bulger, Calfee, Herndon, Johnston of Perry, McGhee, Murphy of Henry, Richardson of Monroe, Tait and Wood—14.

Nays—Messrs. Adams, Aldridge, Allen, Baugh, Bell of Franklin, Bennett, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskalooza, Caldwell, Chamberlain, Clarke, Clayton, Cloud, Colbert, Coleman, Denman, Dillard, Drummond, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Higgins, Hobbs, Holly, Houston, Jackson, Jeter, Johnson of Tallapoosa, Jones, Lesueur, Little, Mabry, Majors, Mardis, Martin of Dale, McCall, McRae, Molton, Morgan, Murphree of Pike, Neal, Nelson, Parker, Pen-

nington, Pynes, Reedus, Register, Reid, Remson, Scarborough, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Staton, Stiff, Talley, Thompson, Walden, Warren, Weaver, Williamson and Wright—72.

Mr. Houston moved to amend by striking out the words "after Monday next," and inserting in lieu thereof the word "hereafter."

Mr. Johnston, of Perry, moved to amend by striking out seven and inserting six o'clock, and by striking out nine and inserting eleven o'clock.

Mr. Johnson, of Tallapoosa, moved to lay the amendment offered by Mr. Johnston, of Perry, on the table.

Mr. Remson moved to amend as follows: And that committees shall have precedence to make their reports, and next bills on their second reading.

Mr. Bulger moved to amend said amendment as follows: and that this rule shall not be suspended, which was adopted.

The question then was upon the adoption of the amendment offered by Mr. Remson, and the same was adopted.

Mr. Johnson, of Perry, moved to amend by striking out "nine" and inserting "ten o'clock."

Lost.

Mr. Wood offered the following substitute:

*Resolved*, That this House will meet on Monday, Wednesday and Friday evenings, at 7 o'clock, and adjourn at 9 o'clock; and that the reports of committees, and bills on their second reading shall have precedence of all other business, unless this rule shall be suspended by two thirds of this House.

Mr. Hobbs moved to amend said substitute by striking out "nine," and inserting "half past nine o'clock."

Lost.

The question then was upon the adoption of the substitute, and the same was adopted.

Mr. Register moved to suspend the business before the House in order to take up certain bills.

Mr. Griffin moved to amend so as to take up also, the resolution in regard to adjournment.

Lost.

The question then was upon the motion of Mr. Register, and the same was lost.

Mr. Mabry moved to suspend the consideration of special orders, to proceed with the call of the counties.

Carried.

Message from the Senate, by Mr. Cain:

**Mr. Speaker:** The Senate has originated and passed the following bills:

For the relief of Lewis M. Simpson;

To amend an act to incorporate the Marengo Plank or Covered Road company; also,

House bill:

To regulate the time for taking up the State docket, for the trial of cases in the circuit court, for the fourth judicial circuit of Alabama;

For the payment of jurors in Jefferson county;

Joint resolutions designating the application of certain lands granted by Congress to the State of Alabama;

The Senate recedes from its amendment to the bill for the relief of certain persons therein named;

The Senate concurred in the amendment of the bill to provide for the election of additional trustees of the University;

The Senate has receded from the amendment as, to Joseph Edwards in the bill for the relief of certain persons therein named.

#### CALL OF COUNTIES.

**Mr. Goode** introduced a bill to be entitled an act to make Penina Dubose a free dealer;

**Mr. Warren:** a bill to authorize Wilson J. Keener & Sons, in Coffee county to attach to their mills in said county any machinery they may deem necessary: *Provided*, they do not raise the dam of said mill any higher.

**Mr. Mabry** introduced a bill to be entitled an act to incorporate the Normal College of Alabama.

**Mr. Brewer:** a bill to increase the compensation of the clerks of the House and Senate.

**Mr. Martin, of Dale:** a bill to secure the forthcoming of personal property mortgaged after being sold.

**Mr. Higgins:** a bill to protect the rights of settlers along the line of the Wills' Valley and Tennessee River Railroads.

**Mr. Herndon:** a bill to amend an act entitled an act to amend the act approved February 15, 1854, and to extend the jurisdiction of the probate courts of the several counties in this State, approved February 5, 1856.

Also, a bill to incorporate the German Turner Society, in Mobile; which bills were severally read and ordered to a second reading.

**Mr. Higgins** introduced a bill to legalize the establishment of beat number 19, in DeKalb county; which was read, and the constitutional rule being suspended, the same was read the sec-

ond time forthwith, and referred to the committee on Privileges and Elections.

Mr. Little introduced a bill to be entitled an act to establish an election precinct in Winston county, in this State; which was read, and the constitutional rule being suspended, the same was read the second and third times forthwith, and passed.

Mr. Thompson introduced a bill to be entitled an act to authorize James H. Clanton, executor, to erect gates on a certain public road therein named; which was read, and the rule being suspended, the same was read the second time forthwith.

Mr. Flournoy moved a suspension of the rule in order to give the bill a third reading forthwith.

Lost.

And the bill was ordered to be engrossed.

Mr. Jones introduced a bill to be entitled an act in reference to the estate of Hilary Foster, deceased.

Also, a bill in relation to the estate of Williamson Forbes, deceased; which bills were severally read the first time, and the rule being suspended, the same were severally read the second time forthwith, and ordered to be engrossed.

Mr. Chamberlain introduced a bill amendatory to the act securing the collection of rents in the city of Mobile; which was read, and the rule being suspended, the same was read the second time, and referred to a select committee composed of the delegation from Mobile.

Mr. Dillard introduced a bill to amend the corporate powers of the city of Montgomery; which was read, and the rule being suspended, the same was read the second time forthwith, and referred to the committee on Corporations.

Also, introduced a bill for the relief of Robt. A. McGibony; which was read, and the rule being suspended, the same was read the second time forthwith, and referred to the committee on Accounts and Claims.

Mr. Murphree, of Pike, introduced a bill to compensate sheriffs for their services for laying off dower; also,

To expedite the dispositions of appeals, and *certiorari* cases, from justices courts; which bills were severally read, and the rule being suspended, were severally read the second time forthwith, and referred to the committee on the Judiciary.

Mr. Hammonds introduced a bill to incorporate the village of Springfield, in the county of St. Clair, and for other purposes; which was read, and the rule being suspended, the same was read the second time forthwith, and referred to the committee on Propositions and Grievances.

Mr. Remson introduced a bill to protect the separate estates of

married women ; which was read, and under a suspension of the rule, read the second time forthwith, and referred to the committee on the Judiciary.

Mr. Johnston, of Perry, presented the petition of D. G. Reeves, John Smith and Edward Ellis ; which was referred to the committee on Education.

Mr. Slade presented the account of Robt. C. Macy ; which was referred to the committee on Accounts and Claims.

Mr. McGhee introduced a bill to amend sections 2446 and 2447 of the Code ; which was read, and the rule being suspended, the same was read the second time forthwith, and referred to the committee on the Judiciary.

Mr. Espy moved to suspend the business before the House to allow committee on Propositions and Grievances to report.

Mr. Hobbs : to amend so as to allow committee on Education to report.

Mr. Staton : to amend so as to allow all committees to report.  
Carried.

Mr. Jones moved to reconsider the vote by which the House refused to suspend the rule, in order to give the bill in reference to the estate of Hilary Foster, deceased, a third reading.

The same vote was reconsidered ; and,

On motion of Mr. Jones, the rule was suspended, and the said bill was read the third time forthwith, and passed, and ordered to the Senate.

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Williamson reported the following bills as correctly enrolled, viz :

To create an additional company beat and election precinct in the county of Fayette ;

To authorize justices of the peace to appoint overseers of roads and other purposes, in the county of Marion ;

To incorporate the Mobile Omnibus company ;

To incorporate the Mechanics' Hook and Ladder company of Montgomery ;

To authorize Richard J. Tarver and others, to establish a ferry across the Alabama river, at Selma,

To incorporate the schools of Loachapoka in Macon county.

#### REPORT FROM THE COMMITTEE ON WAYS AND MEANS.

Mr. Williamson reported adversely to the following bill :

To amend section 488 of the Code of Alabama.



Mr. Drummond moved to lay the report on the table.

Mr. Staton moved to suspend the consideration of special orders to proceed with business now before the House.

Carried.

The question then was upon the motion of Mr. Drummond, and the same was lost, and the House concurred in the report of the committee.

Mr. Smith, of Lauderdale, reported adversely to the bill to amend the laws as to taxation; also,

To the memorial of the Alabama and Tennessee Rivers Railroad company.

Mr. Mabry moved to lay the report and memorial on the table.

Lost.

Said reports were severally concurred in.

#### REPORTS FROM THE COMMITTEE ON STATE BANK AND BRANCHES.

Mr. Clayton made the following report:

The committee on the State Bank and Branches, to whom was referred the bill entitled an act to provide for the burning of the bills now in the treasury, on the State Bank and Branches, have instructed me to report the same back to this House, and ask to be discharged from its consideration, for the reason that a bill for the same object has already passed; also,

The following:

The committee on the State Bank and Branches, to whom was referred so much of the Governor's message as relates to the discontinuance of the office of commissioner and trustee, have had the same under consideration, and instructed me to report the whole subject having been examined into by a select joint committee from the Senate and House of Representatives, subsequently appointed for the purpose, and the report of said committee necessary covering the subject matter referred to this committee, they ask to be discharged from its further consideration.

Said reports were severally concurred in, and the committees discharged.

#### REPORT FROM COMMITTEE ON PRIVILEGES AND ELECTIONS.

Mr. Griffin reported favorably to the bill, to compensate returning officers for making returns in Baldwin county, and the constitutional rule being suspended,

On motion of Mr. Nelson, the bill was read the third time, and passed, and ordered to the Senate; also,

Reported favorably to the Senate bill to establish election precincts, and for other purposes, amended by the committee as follows: amend by striking out after "thereby" in the eleventh line the proviso, to the end of the sentence, at the word "probate," in the sixteenth line; amend second in the eighteenth line by striking out the word "sixty," and inserting "thirty."

Said amendment was adopted; and,

On motion of Mr. Griffin, the rule was suspended, and the bill was read the third time, and passed.

Mr. Bulger moved to suspend the business before the House, so as to allow him to make a report from the committee on Public Printing. Carried.

Mr. Bulger then reported favorably to the bill to provide for printing the reports of the treasurer and comptroller of public accounts; and,

On motion of Mr. Bulger, the rule was suspended, and the bill read the third time, and passed.

#### REPORTS FROM THE COMMITTEE ON MILITARY AFFAIRS.

Mr. Bulger reported back to the House the bill to incorporate the Cahaba Rifles; amended by the committee, by striking out the word "patrol," when it occurs in the bill, and recommended its passage as amended.

Said amendment was adopted; and,

On motion of Mr. Clayton, the rule was suspended, and the bill as amended, read the third time, and passed; also,

Reported back to the House the bill to incorporate the Franklin Guards; amended by the committee by striking out the words "from the patrol and," when they occur in the fourth section, and recommended the passage of the bill as amended.

Said amendment was adopted; and,

On motion of Mr. Bell, of Franklin, the constitutional rule was suspended, and the bill as amended, read the third time, and passed; also,

Reported back the Senate bill, to incorporate the Eufaula Rifles; amended by the committee as follows:

In the fifth line of the 1st section before the word "control" add "order and command of the major-general and brigadier-generals of the division to which they belong, for the purpose of review and inspection"; 2d, in the fifth line of the sixth section, strike out the words "patrol duty," and recommended the passage of the bill as amended.

Said amendment was adopted; and,

On motion of Mr. Clayton, the constitutional rule was suspended, and the bill as amended, read the third time and passed; also,

Reported back to the House the bill to amend the act to incorporate the Madison Rifles; amended by the committee, as follows: insert after the word "of" where it occurs in the line next to the last "the major-general and the brigadier-general of the division and brigade to which they belong, for the purpose of review and inspection."

Said amendment was adopted; and,

On motion of Mr. Harris, the constitutional rule was suspended, and the bill, as amended, read the third time, and passed; also,

Favorably to the bill to enable the quartermaster-general of Alabama to rent an arsenal, and the constitutional rule was suspended, and the bill was read the third time, and passed, and ordered forthwith to the Senate; also,

Reported back to the House the bill to incorporate the Winston Male College; amended by the committee as follows:

*Provided*, Said arms provided for in the second section of this act may be furnished out of any arms now in possession of, or belonging to the State, and recommended its passage as amended.

Said amendment was adopted, and the constitutional rule being suspended;

On motion of Mr. Bulger, the bill was read the third time, and passed, and ordered forthwith to the Senate.

Mr. Bulger moved that reports from the committee on Military Affairs be now suspended, and resumed at 3½ o'clock, this afternoon.

The question was first on motion to suspend, and the motion prevailed.

The question then was on resuming reports from said committee at 3½ o'clock, and the motion prevailed.

#### REPORTS FROM THE COMMITTEE ON EDUCATION.

Mr. Hobbs reported favorably to the bill for the repeal of a portion of an act therein named, and the constitutional rule being suspended, by motion of Mr. Baugh, the bill was read the third time, and passed; also,

Favorably to the bill to authorize the Governor to issue a patent to Thos. L. Penn, of the county of Chambers, and the rule

being suspended by the motion of Mr. Jeter, the bill was read the third time, and passed.

Message from the Governor, by Watt Phelan, Esq., private secretary.

Mr. Speaker: His excellency, the Governor, has approved of bills, which originated in the House of Representatives, of the following titles:

An act to allow compensation to viewers of public roads in Benton county;

An act authorizing the commissioners' court to apply six hundred dollars out of fines and forfeitures, to make the office of judge of probate of Sumter county fire-proof;

An act to provide for binding the manuscript acts of the legislature.

Mr. Hobbs, from the committee on Education, to whom was referred the Senate bill to extend the debts due the sixteenth sections, reported a substitute therefor, to be entitled an act for the further extension of debts due for the purchase of school lands in the State of Alabama.

Said substitute was adopted, and the constitutional rule being suspended, by motion of Mr. Pennington, the same was read three times under said suspension, and passed.

Mr. Morgan moved to suspend the business before the House, in order to allow the committee on Accounts and Claims to make reports.

Lost.

#### REPORTS FROM COMMITTEE ON PROPOSITIONS AND GRIEVANCES.

Mr. Goode reported a bill to be entitled an act for the relief of John R. Bumpas, of Clarke county; which was read, and the rule being suspended, the same was read the second and third times, and passed, and ordered forthwith to the Senate; also,

Reported a bill to be entitled an act for the relief of John R. Bumpas, of the county of Clarke; which was read, and ordered to a second reading.

Mr. Espy reported back to the House the memorial of Neal Smith—asked to be discharged from its further consideration, and recommended its reference to the committee on the Judiciary.

Said report was concurred in, and the memorial referred accordingly.

Mr. Goode reported adversely to the petition of various citizens of New Market and vicinity, in the county of Madison.

Mr. Harris moved to lay the report on the table, and the motion prevailed.

Mr. Harris asked and obtained leave to withdraw said petition.

Mr. Goode reported adversely to the petitions of various citizens of Coffee county, in relation to the securing the property of persons which may be on the lands of others after survey, &c.

Said report was concurred in.

Mr. Espy reported favorably to the bill to locate permanently the seat of justice of Marion county.

Mr. Kennedy moved to indefinitely postpone the further consideration of the bill; when,

The hour of 1½ o'clock arrived, and the House adjourned until 3½ o'clock this afternoon.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The Speaker laid before the House a record of divorce; which was referred to the committee on Divorce and Alimony; also,

Communications from sundry citizens of Washington county; which was referred to the committee on Education.

Mr. Johnston, of Perry, moved to suspend the business before the House to allow select committee to make a report.

Mr. Hobbs moved to amend so as to allow the taking up of the Senate resolution in regard to adjournment.

Lost.

The question recurred upon the motion of Mr. Johnston, of Perry, and the same was lost.

Mr. Murpree, of Pike, moved to suspend the business before the House, in order to allow the committee on Propositions and Grievances to make report.

Lost.

Mr. Brown, of Marion, moved to suspend the business before the House to resume the consideration of the bill to locate permanently the seat of justice of Marion county.

Carried.

Messrs. Irby, Nelson and Cullum, asked and obtained leave to record their votes in the negative, on the vote by which the House passed the bill providing for annual sessions of the General Assembly.

The House resumed the consideration of the bill to locate permanently the seat of justice of Marion county; and,

The question being on the indefinite postponement of the con-

sideration of the bill, the same was lost, and the bill ordered to be engrossed.

Yeas 26, nays 32.

Yeas—Messrs. Adams, Aldridge, Allen, Boatright, Bradley, Brock, Clayton, Colbert, Coleman, Denman, Dillard, Eustace, Flournoy, Goode, Hammonds, Jeter, Johnston of Perry, Johnson of Tallapoosa, Kennedy, Mabry, McKrae, Molton, Register, Smith of Coosa, Tait and Weaver—26.

Nays—Messrs. Speaker, Brown of Marion, Caldwell, Cary, Chamberlain, Clarke, Cloud, Espy, Herndon, Higgins, Hobbs, Holly, Houston, Jones, Lesueur, Mardis, Martin of Dale, McCall, Morgan, Murphree of Pike, Murphy of Henry, Nelson, Remson, Richardson of Cherokee, Richardson of Monroe, Scott, Sheffield, Slade, Staton, Stiff, Walden and Williamson—32.

Mr. Williamson, from the committee on Enrolled Bills, to whom was referred the following bills, find them correctly enrolled :

To incorporate the Columbus and Tennessee Valley Railroad company ;

To extend the Fall terms of the circuit courts for Talladega county ;

To extend the provisions of sections 2451 and 2605 of the Code of Alabama ;

To authorize James H. Weaver to have the roof and plastering of the Capitol repaired ;

To amend section 1537 of the Code of Alabama ;

To give the probate court of Dallas county jurisdiction over the estate of Calvin Norris, deceased.

For the relief of John D. Price, of Jefferson county.

Mr. Bulger, from the committee on Military affairs, made the following report from said committee :

The committee on the Military, to whom was referred instructions from the House, to inquire if there was any adjutant and inspector general of this State, and who he is, and where he keeps his office, and how he has discharged the duties thereof, have instructed me to report that they have instituted such inquiry, and find that Thomas E. McIver was commissioned as adjutant general on the 29th day of Jan, 1856 ; that they have been unable to ascertain certainly where he has or keeps his office, or in what manner he has discharged his duties. They have been informed that he keeps his office at Camden, Wilcox county, but we find no evidence that he has performed any of the duties required of him by law.

The military code of Alabama in chapter 12, section 8, re-

quires the adjutant general to keep his office at the seat of government: *Provided*, That if at any time, the public service shall render it expedient, the Governor may order his temporary removal to any other part of the State; but no such order having been issued by the Governor, the adjutant general is totally unjustifiable in the attempt to remove his office from the seat of government, and he is censurable for his total neglect of duty.

The most important duties required of this office are found in the first section, of the fifth chapter, of the military code of Alabama. In this section, although adopted for the express purpose of securing a proper return of the strength and condition of the militia, to enable the State to draw her quota of public arms from the general government. Your committee find upon examination that several material errors occurred, either in the copying of the law, or in printing, which renders it insufficient for the purpose intended; and, that there is no special penalty on the adjutant general for a failure on his part to perform the duties required of him by law.

With a view of perpetuating the intention of the law, the committee have instructed me to report the following bill and to recommend its passage.

Mr. Bulger then reported a bill to be entitled an act to amend the military code of Alabama, to secure the return of the strength and condition of the militia of the State, and for other purposes; which was read, and the rule being suspended, the same was read the second time forthwith.

Mr. Goode moved to amend as follows:

Strike out all the enacting clause, and insert the following:

SECTION 1. That the military laws of the State, be, and the same are hereby repealed.

SECTION 2. That judges of probate in the several counties of this State have power to incorporate military companies, as it now exists in regard to villages and towns.

Mr. Johnston, of Perry, moved to postpone the further consideration of the bill and amendment until Wednesday the 27th inst., at 11 o'clock, A. M., of that day.

Carried, and bill postponed accordingly.

Mr. Hale moved to suspend the business before the House to allow committee on Corporations to report.

Mr. Staton moved to suspend to allow committees to report in order.

Lost.

The question recurred upon the motion of Mr. Hale, and the same was lost.

The Senate bills:

Providing for the safety of the books and sixteenth section notes in the office of superintendant of education;

For the relief of J. A. Watterson;

To authorize the court of county commissioners of Barbour county, to refund a certain sum of money to Abner H. Flewollen;

To extend the time for opening the books of subscription of the Wetumpka Insurance company;

To provide for the suppression of depositions in certain cases;

For the relief the Missionary Society of the Cumberland Presbyterian Church at Elyton;

To enlarge the discretionary powers of the grand juries; were severally read, and ordered to a second reading.

The Senate bills:

To amend section 1676 of the Code, as to the county of Madison;

For the relief of Simeon B. Smith, late tax collector of Tallapoosa county; were severally read, and the constitutional rule being suspended, the same were severally read the second and third times forthwith, and passed.

The hour of 5 o'clock arrived, and the House adjourned until 7 o'clock, this evening.

#### NIGHT SESSION.

The House met pursuant to adjournment.

Mr. Espy, from the committee on Propositions and Grievances, reported favorably on the bill to compensate persons for apprehending felons at large and fugitives.

Mr. Johnson, of Tallapoosa, moved to suspend the constitutional rule.

Lost.

And the bill was then ordered to be engrossed.

Mr. Murphree, of Pike, from the same committee, to whom was referred the petition of sundry citizens, praying an act to exclude the sale of ardent spirits at or within two miles of Athens Academy, in the town of Ramer, in the county of Montgomery, reported a bill therefor, which was read, and the constitutional rule being suspended, the same was read the second and third times forthwith, and passed.

Mr. Murphree, of Pike, from the same committee, to whom was referred the petition of Elijah Woolsey and James S. Baine, of the county of Marshall, reported a bill therefor; which was read, and under a suspension of the constitutional rule, was read the second time, and ordered to be engrossed.



Also, favorably to the bill to prevent the killing of stock on railroads; which was ordered to be engrossed.

Mr. Espy, from the same committee, to whom was referred the petition of sundry citizens of Sumter county, reported a bill therefor, to prevent trespass by cattle and other stock in the county of Sumter; which was read.

Mr. Warren moved to lay the bill on the table.

Lost.

Mr. Goode moved the indefinite postponement of the bill.

Lost.

Mr. Goode moved to suspend the constitutional rule.

Carried.

And the bill was read the second time.

Mr. Goode moved to amend, and the bill and amendment was referred to the committee on the Judiciary.

Mr. Espy, from the same committee, reported a bill for the relief of Peter McGhee, late tax collector of Pickens county; which was read, and rule being suspended, the same was read the second and third times forthwith, and passed, and ordered to the Senate.

Mr. Espy reported adversely to the petition of William Connoway, late tax collector of Coosa county.

Mr. Brewer moved to recommit the petition.

Lost.

The adverse report was then concurred in.

Mr. Murphree, of Pike, to whom was referred the bill to incorporate the Tallapoosa Mill and Bridge company, reported the same back, and asked to be discharged from the further consideration of the same.

The report was concurred in.

Mr. Bulger moved to suspend the constitutional rule, so as to give the bill a third reading.

Lost.

And the House refused to order the bill to be engrossed.

Mr. Espy reported adversely to the petition of Carr Palmer.

Mr. Morgan moved to recommit the petition, with instructions to report a bill; and the motion was lost.

Mr. Murphree, of Pike, reported adversely to the petition of John Williamson, and others.

Also, adversely to the petition of Bysha Taylor.

Mr. Espy reported adversely to the bill for the relief of William O'Neil.

Also, to the petition praying an act to prevent camp hunting in Jefferson county;

Also, adversely to the petition of citizens of Hamburg beat in Perry county ;

Also, to the petition of Abijah and William Belk ;

Also, to the bill to make Sarah E. Owens a free dealer ;

Also, to the bill for the protection of mechanics ;

Also, to the petition of Adeline Armour ;

Also, to the bill to correct the evils arising from camphunting ;

Also, to the petition praying relief of John Meadows and Jephtha Lee ;

Also, to the bill to declare Nancey M. Price, a free dealer ; which adverse reports were severally concurred in.

#### REPORTS FROM THE COMMITTEE ON ACCOUNTS AND CLAIMS.

Mr. Staton reported favorably to the bill for the relief of John S. Barnes.

When the hour of 9 o'clock arrived, and the House adjourned until to-morrow morning, at half past nine.

TUESDAY, January 26, 1858.

House met pursuant to adjournment.

The journal of yesterday's proceedings was read and approved.

Mr. Mergan moved to reconsider the vote by which the House refused to order the bill to incorporate the Tallapoosa Mill and Bridge company, to be engrossed.

The vote was reconsidered.

Mr. Remson presented contra petition in relation to incorporating Lincoln Male College in Talladega ; which was referred to the committee on Corporations.

Mr. Simpson moved to amend said bill as follows :

*Provided,* It shall not be within two miles of Taylor's Ferry.

And on motion of Mr. Irby, said bill and amendment was referred to a select committee composed of the delegation from Tallapoosa county.

Mr. Speaker laid before the House a communication from the superintendent of education ; which was referred to the committee on Education.

Mr. Johnston, of Perry, moved to suspend the business before the House to allow select committee to report.

Lost.

Mr. Herndon asked and obtained leave to have spread upon the journal his protest upon the passage of the bill providing for annual sessions of the General Assembly.

## PROTEST OF MR. HERNDON.

The undersigned protests against the passage of the bill entitled an act providing for annual sessions of the Legislature, upon the following grounds, viz:

The bill requires the General Assembly to convene on the second Monday of November, 1858, at the same time every year thereafter. A proposition providing for an election of members of the House of Representatives on the first Monday in August, 1858, and at the same time in each year thereafter, was negatived by the House. Under the bill as passed, the members composing the present House of Representatives are required to compose the House at the session of November, 1858. According to the views of the undersigned, the members of the House of Representatives hold their offices for the term of one year only, and consequently the tenure by which the members of the present House hold their seats ceases on the first Monday of August next.

In 1845 the legislature of Alabama submitted to the people several amendments to the Constitution of the State, and the among the following, viz: strike out the words "one year," when they occur in the 2d section of the 3d article of the Constitution and insert in lieu thereof, "two years."

Strike out the words "every year," where they occur in the 3d section of the same article, and insert in lieu thereof "every two years."

By reference to the returns of the several sheriffs of the State made of the elections at which these amendments were to be voted upon by the people, on file in the office of the secretary of state, it will be perceived that in point of fact these amendments never were voted upon by the people, and thus failed a very essential step required by the Constitution for its amendment.

At the next session of the General Assembly resolutions were offered and passed with the view of ratifying these amendments proposed by the previous General Assembly. In order to perfect the amendments and to make valid the proposed change in the Constitution, it was necessary that that legislature should ratify the "same amendments" that were proposed "by two-thirds of the previous legislature," and voted in favor of by a majority of the people voting for representatives. These three things must concur, or the Constitution remains as if no steps had been taken to amend it. By referring to the so called ratifying resolutions, passed by the legislature at its session in 1845-'6, it will be seen that instead of voting upon the "same

amendments," that had been proposed to the 2d and 3d sections of the third article of the Constitution, the vote was upon entirely different amendments, to-wit: instead of "two years," as proposed to the 2d section, were inserted "every two years," and instead of "every two years," as was proposed to the 3d section, were inserted "at each session."

The second and third sections of the the third article of the Constitution, to which these amendments were to be applied, fix the term of the representative and when he shall be elected, and the constitutional mode for amending that instrument not having been pursued, they remain as they were originally in tact, and are to be referred to in ascertaining the tenure of office of the members of the present House, and until properly changed, of any future House.

If this be true, as the undersigned is solemnly convinced it is, at the session to be holden in November, 1858, under this bill, no election being provided for prior to that time, there will be no persons constitutionally entitled to sit as members of the House of Representatives. The confusion and evil to result from this anomalous state of things, can easily be foreseen, and the undersigned feels it to be his duty to protest against the act which will be the parent of it all, and he does, therefore, solemnly protest against the same.

THOS. H. HERNDON.

Mr. Caldwell moved to suspend reports from committee to allow him to offer a resolution.

Mr. Johnston, of Perry, moved to amend so as to allow him to make a report from special committee, which motion was lost.

The question recurred upon the motion of Mr. Caldwell, and the same was lost.

Mr. Hobbs moved to suspend business before the House in order to take up and consider the resolution of the Senate in regard to adjournment *sine die*, and the motion was lost.

Yeas 44, nays 46.

Yeas—Messrs. Allen, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskalooza, Clayton, Cloud, Coleman, Denman, Eustace, Griffin, Hammonds, Higgins, Hobbs, Houston, Jackson, Kennedy, Lesueur, Majors, Martin of Dale, McCall, McRae, Molton, Morgan, Parker, Powell, Pyner, Reedus, Register, Reid, Remson, Richardson of Monroe, Simpson, Smith of Jefferson, Stiff, Talley, Thompson, Warren and Weaver—44.

Nays—Messrs. Speaker, Adams, Aldridge, Baskins, Boatright

Bradley, Bulger, Calfee, Caldwell, Cary, Chamberlain, Clarke, Colbert, Cullum, Dillard, Drummond, Espy, Flournoy, Goode, Harris, Herndon, Holly, Irby, Jeter, Johnston of Perry, Little, Mabry, Mardis, McGhee, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Pennington, Richardson of Cherokee, Scarborough, Scott, Sheffield, Slade, Smith of Coosa, Smith of Lauderdale, Staton, Tait, Walden, Williamson and Wood—46.

Mr. Richardson, of Monroe, moved to reconsider the vote by which the House concurred in the adverse report of the committee on Propositions and Grievances, on the petition of Wm. Connoway, late tax collector of Coosa county.

The vote was reconsidered, and on motion of Mr. Brewer the petition was recommitted to the committee on Propositions and Grievances.

Message from the Senate by Mr. Cain :

Mr. Speaker: The Senate has originated and passed the following bills :

Amendatory of the several plank road charters herein designated.

For the relief George G. Morrisit, of Monroe county ;

To authorize the commissioners court of Coffee county, to pay to James D. McLean any money to which he may be entitled for ex-officio services as sheriff of said county ;

To allow legal sales in the county of Montgomery to be made in the public square of the city of Montgomery ;

To authorize the election of an additional constable in beat number 7, in the county of Barbour ;

To change the name of Benton county to Calhoun :

To repeal an act to compel certain persons in Bibb county to work on public roads.

The House resumed the consideration of the Senate bill, for the relief of John S. Barnes.

The hour of 11 o'clock arrived, for which hour there were special orders, and by motion of Mr. Staton, the consideration of special orders was suspended to proceed with the business now before the House.

Mr. Johnson, of Tallapoosa, moved to amend the bill by striking out three hundred and inserting two hundred and fifty—prevailed; and, on motion of Mr. Morgan, the constitutional rule was suspended, and the bill read the third time and passed.

The Senate bills :

To compensate certain persons therein named ;

Vesting certain powers in the commissioners court of Coosa county ;

To incorporate the trustees of Hopewell Cemetery ;

To alter the hours of public sales of executors, administrators, and other officers ;

To regulate the election of tax assessors ;

To amend an act to incorporate the Alabama and Georgia Railroad company, approved January 19, 1850 ;

To renew and extend the operations of an act therein named ;

To amend section 3249 of the Code of Alabama ;

To authorize the court of county commissioners of Pickens county to refund a certain fine ;

To amend an act to incorporate the Marengo Plank or Covered Road company ;

To provide for burning the mutilated bills of the Bank of Montgomery, in the comptroller's office ;

Authorizing registers in chancery to take acknowledgments of conveyances, and administer oaths ;

An act for the relief of Lewis M. Simpson ;

To repeal an act to compel certain persons in Bibb county to work on public roads ; were severally read and ordered to a second reading.

The House concurred in the amendment of the Senate to the House bill, designating the application of certain lands granted by Congress to the State of Alabama.

The Senate bill :

For the relief of the estate of Abraham Pennington late of Choctaw county, was read, and by motion of Mr. Cullum, the constitutional rule was suspended, the bill read the second time forthwith, and referred to the committee on 16th Sections.

The Senate bill :

To change the name of Benton county to Calhoun, was read and the constitutional rule being suspended, by motion of Mr. Caldwell, the same was read the second and third times forthwith and passed.

Yeas 87, nays none.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Cary, Chamberlain, Clarke, Clayton, Cloud, Coleman, Cullum, Denman, Dillard, Drummond, Eustace, Flournoy, Goode, Griffin, Hammonds, Harris, Herndon, Higgins, Holly, Houston, Irby, Jackson, Jeter, Johnston of Perry, Johnson of Tallapoosa, Kennedy, Lesueur, Little, Mabry, Majors, Mardis, Martin of Dale, McCall, McGhee, McRae, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Register, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scar-

borough, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Staton, Stiff, Talley, Tait, Thompson, Walden, Warren, Weaver, Williamson and Wood  
—87.

The Senate bill:

To authorize the election of an additional constable in beat number seven, in the county of Barbour, was read the first time, and by motion of Mr. Clayton, the constitutional rule was suspended, and the bill was read the second and third times forthwith, and passed.

The Senate bills:

To allow legal sales in the county of Montgomery to be made in the public square in the city of Montgomery;

Amendatory of the several plank road charters herein designated; were severally read and ordered to a second reading.

The Senate bill:

To authorize the commissioners court of Coffee county to pay to James D. McLean any moneys to which he may be entitled for ex-officio services as sheriff of said county, was read the first time, and on motion of Mr. Warren, the constitutional rule was suspended, and the bill was read the second and third times forthwith, under such suspension, and passed.

The Senate bill:

For the relief of George G. Morrisit, of Monroe county, was read the first time, and by motion of Mr. Richardson, of Monroe, the constitutional rule was suspended, and the bill was read the second and third times forthwith, under such suspension, and passed.

The hour of 12 o'clock arrived.

Mr. Staton moved to suspend the consideration of general orders to allow committees to report, which motion prevailed

Mr. Staton, from the committee on Accounts and Claims, to whom was referred the account of Joshua Lyon, of Sumter county, reported a bill therefor, for the relief of Joshua Lyon, tax collector of Sumter county; which was read, and the rule being suspended, the same was read the second time forthwith, and ordered to be engrossed; also,

Favorably to the bill to compensate Isaac W. Pollard.

Said bill was ordered to be engrossed; also,

Reported a bill for the relief of F. A. Hinse; which was read the first time, and the rule being suspended, the same was read the second time forthwith, and ordered to be engrossed; also,

Reported a bill in relation to the account of Champion Farris, to be entitled an act for the relief of Champion Farris, tax collector of Marshall county; which was read, and the constitution-

al rule being suspended, the same was read the second time, and ordered to be engrossed; also,

A bill in relation to the account of J. C. Henderson, to be entitled an act for the relief of J. C. Henderson, of Talladega county; which was read, and the rule being suspended, the same was read the second time forthwith, and ordered to be engrossed; also,

A bill in relation to the account of Joseph A. Smith, entitled a bill for the relief of J. A. Smith; which was read, and the constitutional rule being suspended, by motion of Mr. Houston, the same was read the second time forthwith, and ordered to be engrossed; also,

A bill in relation to the account of Charles Hobbs, to be entitled an act for the relief of Charles Hobbs, of Talladega county; which was read, and ordered to a second reading; also,

Adversely to the account of C. Brown; which report was concurred in.

#### REPORTS FROM COMMITTEE ON COUNTY BOUNDARIES.

Mr. Brown, of Marion reported a substitute for the bill to change the line between Cherokee and DeKalb counties.

Said substitute was adopted, and ordered to be engrossed.

#### REPORTS FROM THE COMMITTEE ON DIVORCE AND ALIMONY.

Mr. Drummond reported favorably to the bill for the relief of Harry R. Marks, and the same was ordered to be engrossed.

Mr. Nabors reported a bill to divorce Jeremiah Craft from his wife, Ruth Craft, and to divorce other persons therein named; which was read, and the rule being suspended, the same was read the second time forthwith.

Mr. Bulger moved to amend by adding after "Gardener," the words, and be restored to her maiden name, Mary Ann Bailey.

Said amendment was adopted, and the bill as amended, read the third time, under a suspension of the rule, and passed.

Mr. Nabors reported a bill to divorce Elizabeth Liles from her husband, Marion Liles, and to divorce eight other persons therein named; also,

A bill to divorce Reubin B. Franklin from his wife, Nancy Franklin, and to divorce other persons therein named; also,

A bill to divorce Harriet H. Burgess from her husband, Jos. L. and to divorce other persons therein named; which bills were severally read, and the constitutional rule being suspended, the same were severally read the second and third times forthwith and passed; also,



Reported favorably to the bill to amend the law in relation to divorce and alimony; and said bill was ordered to be engrossed; also,

Favorably to the bill for the relief of Emeline R. Goode, of Marion county; and,

On motion, the constitutional rule was suspended.

Mr. Mardis moved to indefinitely postpone the further consideration of the bill.

Said motion was lost, and the bill read the third time, under a suspension of the rule, and passed, and ordered to be sent forthwith to the Senate.

Yeas 47, nays 30.

Yeas—Messrs. Speaker, Aldridge, Allen, Bell of Franklin, Bell of Talladega, Boatright, Brewer, Brock, Brown of Marion, Brown of Tuskaloosa, Bulger, Calfee, Cary, Chamberlain, Clarke, Cloud, Coleman, Denman, Echols, Eustace, Flournoy, Hammonds, Houston, Jeter, Kennedy, Little, Martin of Dale, McCall, McGhee, McRae, Morgan, Murphy of Henry, Nabors, Neal, Nelson, Pennington, Powell, Pynes, Reedus, Register, Richardson of Cherokee, Simpson, Smith of Coosa, Stiff, Talley, Walden and Wood—47.

Nays—Messrs. Baskins, Baugh, Bradley, Caldwell, Clayton, Espy, Harris, Herndon, Hobbs, Holly, Irby, Johnston of Perry, Lesueur, Mardis, Murphree of Pike, Parker, Reid, Richardson of Monroe, Scott, Sheffield, Slade, Smith of Jefferson, Smith of Lauderdale, Staton, Tait, Warren, Weaver and Williamson—30.

Message from the Governor, by Watt Phelan, Esq., private secretary:

Mr. Speaker: His excellency, the Governor, has approved of bills which originated in the House of Representatives, of the following titles:

An act to authorize justices of the peace to appoint overseers of roads, and other purposes in the county of Marion;

An act to create an additional company beat and election precinct in the county of Fayette;

An act to authorize Richard J. Tarver, and others, to establish a ferry across the Alabama River, at Selma;

An act to incorporate the Mobile Omnibus company;

An act to incorporate the schools of Loachapoka, in Macon county;

An act to incorporate the Mechanics' Hook and Ladder company of Montgomery.

Mr. Nabors reported adversely to the petition of Maranda Watson.

Mr. Brewer moved to lay the report on the table.

Lost; and the report was concurred in.

Mr. Hammonds moved to suspend the business before the House, to allow him to offer a resolution.

Lost.

Mr. Nabors reported adversely to the bill for the relief of Richard F. Starr.

Mr. Chamberlain moved to lay the report on the table.

Carried.

Mr. Mardis moved to indefinitely postpone the further consideration of the bill; when,

The hour of 1½ arrived, and the House adjourned until 3½ o'clock, this afternoon.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Aldridge, Allen, Bell of Talladega, Boatright, Bradley, Brewer, Browder, Brown of Marion, Brown of Tuskaloosa, Bulger, Chamberlain, Clayton, Cloud, Cullum, Dillard, Edwards, Espy, Eustace, Griffin, Hale, Harris, Herndon, Holly, Irby, Jackson, Jeter, Johnston of Perry, Johnston of Tallapoosa, Jones, Lesueur, Little, Mabry, Majors, Mardis, Martin of Dale, McCall, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Pennington, Powell, Pynes, Register, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scott, Sheffield, Simpson, Slade, Smith of Jefferson, Smith of Lauderdale, Staton, Talley, Tait, Thompson, Walden, Warren, Williamson and Wood--68.

Mr. Hale moved to suspend the consideration of general orders, to proceed with the call of reports, and to allow special joint committees to report.

Carried.

Mr. Jones, from the joint committee, to whom was referred the biennial report of John Whiting, commissioner and trustee to settle the affairs of the State Bank and Branches, have had the same under consideration, and instructed me to

#### R E P O R T :

That they first examined the cash account of the commissioner for receipts and disbursements of money by him since the settlement of his account by the Joint committee of the last session

to the yresent time, and found that the balance on hand at the date of the last settlement, as certified to by the joint committee, was..... \$171,683 40  
 Since which time his receipts from all sources }  
 have been..... } 1,575,299 52

Making a total of..... 1,746,982 92  
 The expenditures, in payment of interest, redemption of State bonds, remitting for the bonds due 1st Jan., and otherwise, have been } 1,328,007 34

Leaving a balance at this date of..... \$418,975 58

The account containing in detail the above items is herewith submitted. Each item of the account has been carefully examined, and each verified by a proper voucher, or satisfactorily explained. Your committee next examined the accounts of collections and outstanding circulation, and found them properly stated in the report of the commissioner and trustee.

They next proceeded to examine the accounts of bonds redeemed and outstanding. Upon counting those redeemed since the last session they were found to correspond in description and amount with the statements in the account.

The annexed tabular statements show at a glance the amount of bonds yet unredeemed, as well as those heretofore redeemed. They also show the annual interest to be provided for, and when it is payable.

From the tabular statement it will be seen that the outstanding bonds on 1st November, 1855, were..... \$4,231,888 88  
 Redeemed since then, by purchase..... 133,777 77

..... \$4,098,111 11  
 Redeemed by payment, remitted for..... 575,111 11

Leaving of bonds to be provided for..... \$3,523,000 00  
 To meet which, in part the State holds Virginia and North Carolina 6 per cent. bonds..... 662,000 00

To complete the payment of the bonds due on 1st January inst., the commissioner borrowed in New York \$390,000, as has been reported to you by him. Your committee believe the entire balance now on hand in the office of the commissioner will be available in time to discharge the notes given for that loan. At an early day of the session your committee were appointed as a *special* committee to confer with and advise the commissioner and trustee. In that conference he brought to their notice two very important matters of public interest. The first was the

difficulty of paying our bonds due in London on 1st January. That, as you are informed, was subsequently arranged, and the money remitted to pay those bonds. The other matter was the suspension of the firm of Robb, Hallett & Co., New York, through whom the bonds due 1st January were to have been paid. At the time of the suspension of that firm they had on deposit, of funds belonging to the State, \$172,025 78. Your committee found that the commissioner had taken steps to secure the debt, and soon after their appointment had an interview with Mr. Robb, the senior of the firm. The position of the matter required great caution, to avoid loss. Your committee are pleased to be able to say they are now satisfied that the debt is safe, and will be realized in time to meet the liabilities before referred to. The commissioner exhibited to your committee the certificate of the Governor, state treasurer, comptroller, and secretary of state, that the blank impressions of the notes of the Branch Bank at Montgomery, had been destroyed as required by the statute. And also, the receipt of the state treasurer for the State bonds redeemed and included in the account of commissioner at the last session, to be registered in conformity to law.

Your committee concur in the suggestion of the commissioner, to appoint an agent to collect the amount retained by the general government on the claim of the State against the Republic of Texas. And also, to transfer to the office of the superintendent of education the notes, books, &c., pertaining to the 16th section school fund.

The commissioner has in his possession, as reported, several packages containing money found in the vault of the State Bank, and marked as special deposits. Your committee recommend that the money be deposited in the State treasury, with such explanatory entries as will identify it, if ever called for. He also, has packages of *half* notes which have been redeemed by the State Banks. Your committee recommend that they be deposited in the State treasury.

Your committee take pleasure in bearing testimony to the able, faithful, and efficient manner in which the commissioner and trustee has conducted the financial interests of the State during his term of office. A few years since the State was burdened with a debt of nearly \$10,000,000, paying annually nearly a half million of interest. From the proceeds of the unfortunate State Bank and Branches, by careful management of the present commissioner and his predecessor, much of this debt has been paid, and the 1st of July this year will, in all probability find the State with only about \$2,800,000 of outstanding bonds,

with an annual interest of less than \$150,000. And for the accomplishment of this last named purpose we have thought proper to recommend the continuance of the commissioner and trustee, for the special purpose of finally settling the unadjusted matters connected with the State debt now in his hands. And your committee feel gratified in saying that this confidence in his capability and faithfulness to the interests of the State is of the highest character.

To carry out the recommendations contained in this report, your committee instruct me to report the accompanying bill, and recommend its passage.

R. M. PATTON,  
Chairman of Senate Committee.  
WM. G. JONES,  
Chairman of House Committee.

*Bonds Outstanding, 1st April, 1847.*

Rate of Interest.	Amount of Bonds.	Annual Interest.	When due	Where payable.
6 per cent.	100,000 00	6,000 00	1850	New York.
5     "	300,000 00	15,000 00	1852	New York.
5     "	3,500,000 00	175,000 00	1863	New York.
5     "	459,000 00	22,950 00	1865	New York.
5     "	382,000 00	19,100 00	1866	New York.
5     "	500,000 00	25,000 00	1865	New Orleans.
5     "	500,000 00	25,000 00	1865	New Orleans.
6     "	1,013,000 00	60,780 00	1866	London.
5     "	1,043,555 55	52,177 77	1850	London.
5     "	1,435,000 00	71,750 00	1866	London.
	<u>9,232,555 55</u>	<u>472,757 77</u>		

*Bonds Outstanding, 1st November, 1855.*

Rate of Interest.	Amount of Bonds.	Annual Interest.	When due.	Where Payable.
5 per cent.	2,048,000 00	102,400 00	1863	New York.
5     "	52,000 00	2,600 00	1865	New York.
5     "	190,000 00	9,500 00	1872	New York.
6     "	688,000 00	41,280 00	1870	London.
5     "	669,000 00	33,450 00	1866	London.
5     "	584,888 88	39,244 44	1858	London.
	<u>4,231,888 88</u>	<u>218,474 44</u>		

*Bonds Outstanding, 20th January, 1858.*

Rate of Interest.	Amount of Bonds.	Annual Interest.	When due.	Where Payable
5 per cent.	1,964,000 00	98,200 00	1863	New York.
5 per cent.	52,000 00	2,600 00	1865	New York.
5 per cent.	171,000 00	8,550 00	1872	Yew York.
5 per cent.	648,000 00	32,400 00	1866	London.
6 per cent.	683,000 00	41,280 00	1870	London.
	3,523,000 00	183,030 00		

Mr. Mabry moved that 2,000 copies of said report and tabular statement be printed.

Mr. Smith, of Lauderdale, moved that 500 copies of account be printed.

Mr. Goode moved to lay the motion of Mr. Smith, of Lauderdale on the table.

Lost.

And 500 copies were ordered to be printed.

Mr. Jones reported a bill to be entitled an act to dispose of the remaining affairs of the State Bank and Branches, and for other purposes; which was read, and the constitutional rule being suspended, the same was read the second time forthwith.

Mr. Jones moved to postpone the further consideration of the bill, until Thursday, and to make it the special order for the hour of half past 10 o'clock of that day.

Mr. Goode moved to postpone until Friday next, at the hour of 11 o'clock of that day; which motion was lost.

The question then was upon the motion to postpone until Thursday next, at half past 10 o'clock, and the same prevailed.

Mr. Jackson moved to suspend reports in order to take up the Senate resolution to adjourn *sine die*.

Lost.

The House resumed the consideration of the report of the committee on Divorce and Alimony, on the bill for the relief of Richard T. Starr.

The question being upon the motion of Mr. Mardis to indefinitely postpone the consideration of report and bill, and the same was lost.

The question then recurred upon the motion of Mr. Chamberlain to lay the report and bill on the table, and the same prevailed.

Mr. Smith, of Lauderdale, gave notice that he would on tomorrow, move to rescind the rule requiring a two thirds vote to suspend business.

Mr. Nabors, from the committee on Divorce and Alimony, reported a bill in relation to the petition of Mary C. Grigsby, of Coosa county, to be entitled an act for the relief of Mary C. Grigsby, of Coosa county; which was read, and the constitutional rule being suspended, the same was read the second time forthwith.

Mr. Smith, of Coosa, moved a further suspension of the rule, to give the bill a third reading forthwith, and the House refused to suspend.

Mr. Mardis moved to indefinitely postpone the further consideration of the bill.

Lost.

And the bill was ordered to be engrossed.

Mr. Hale, from the committee on Corporations, reported favorably to the bill to incorporate the town of Rodgersville in the county of Lauderdale.

And on motion of Mr. Wood, the constitutional rule was suspended, and the bill read the third time, and passed, and ordered to the Senate.

Mr. Drummond reported an amendment to the bill to incorporate the State Mutual Insurance company, as follows:

SEC. 5. *Be it further enacted.* That nothing in this act contained, shall authorize said company to issue any certificate or other paper, or instrument, to circulate as money; and if any such be issued by said company, all the privileges and franchises conferred by this act, shall be forfeited.

Said amendment was adopted: and,

On motion of Mr. Chamberlain, the constitutional rule was suspended, and the bill as amended, was read the third time and passed.

Mr. Hale, from same committee, reported favorably to the bill to establish a board of physicians in the county of Perry.

And by motion of Mr. Johnson of Perry, the constitutional rule was suspended, and the bill read the third time forthwith and passed.

Mr. Hale, from same committee, reported back the bill to incorporate the Baldwin and Perdido Railroad company, amended by the committee as follows:

Amend the 8th section by inserting after the words "United States," "or the State of Alabama."

Amend the 13th section by inserting before the words, "in any case," at the commencement thereof, the word "if," and also insert before the word "wilfully," in the first line, the words "and maliciously."

Said amendments were adopted, and on motion of Mr. Hern-

don, the constitutional rule was suspended, and the bill as amended, was read the third time forthwith, and passed, and ordered to the Senate.

Mr. Hale, from the same committee, reported favorably to the bill, to incorporate the Citronelle and McIntosh Bluff Plank Road company.

And on motion of Mr. Herndon, the constitutional rule was suspended, and the bill read the third time forthwith, and passed.

Mr. Hale, from the same committee, reported favorably to the bill to incorporate the Shelby Lime company.

And by motion of Mr. Mabry, the constitutional rule was suspended, and the bill read the third time forthwith, and passed, and ordered to the Senate.

Mr. Clarke, from the same committee, reported favorably to the bill, to authorize the intendant of the town of Decatur in the county of Morgan, to subscribe to the capital stock of the Tennessee and Alabama Central Railroad, and for other purposes.

The question being on ordering the bill to be engrossed.

The hour of 5 o'clock arrived, and the House adjourned until to-morrow morning, at half past nine.

WEDNESDAY, January 27th, 1858.

House met pursuant to adjournment.

Prayer by Rev. Mr. Tichenor.

The journal of yesterday was read and approved.

Mr. Johnson, of Tallapoosa, moved to suspend regular order of business, in order to take up and consider the Senate resolution in relation to adjournment *sine die*, and also to allow Mr. Brown, of Marion, to introduce a resolution.

Carried.

The House then proceeded to consider said resolution.

Mr. Johnston, of Perry, moved to amend the resolution, as follows:

Strike out "1st," and insert in lieu thereof, "8."

Mr. Johnson, of Tallapoosa: to insert 5.

A division of the question was called, and the question first, was on striking out "1st" in the resolution, and the motion prevailed.

The question then was upon filling the blank with "8th," and the same prevailed.

Yeas 67, nays 24.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Boatright, Bradley, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskaloosa, Calfee, Caldwell, Cary, Chamberlain, Clark, Cloud, Colbert, Coleman, Denman, Dillard, Drummond,



Edwards, Espy, Flournoy, Goode, Hammonds, Herndon, Higgins, Hobbs, Holly, Houston, Irby, Johnston of Perry, Jones, Little, Mabry, Mardis, Martin of Dale, Martin of Talladega, McCall, McGhee, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Neal, Pynes, Reedus, Register, Remson, Richardson of Cherokee, Scarborough, Scott, Sheffield, Simpson, Slade, Stiff, Tait, Thompson, Walden, Weaver, Williamson, Wood and Wright—67.

Nays—Messrs. Bell of Franklin, Bell of Talladega, Clayton, Eustace, Griffin, Jackson, Jeter, Johnson of Tallapoosa, Kennedy, Lesueur, Majors, Nabors, Nelson, Parker, Pennington, Powell, Reid, Richardson of Monroe, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Staton, Talley and Warren—24.

And the resolution as amended was adopted.

Mr. Brown, of Marion, offered the following resolution :

*Resolved*, That the Hall of the House of Representatives be tendered to the Democratic party, for their use on the evening of the 27th inst.

Mr. Jackson moved to amend as follows :

*Provided*, That it does not interfere with the meeting of the House.

Mr. Hobbs moved to lay the resolution and amendment on the table.

Mr. Jones called for a division of the question.

Mr. Nabors moved the previous question, and the same was sustained.

Yeas 72, nays 18.

Yeas—Messrs. Speaker, Adams, Aldridge, Baskins, Bell of Franklin, Bell of Talladega, Boatright, Brock, Browder, Brown of Marion, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Chamberlain, Clond, Colbert, Coleman, Cullum, Denman, Edwards, Espy, Eustace, Flournoy, Griffin, Harris, Herndon, Higgins, Holly, Houston, Irby, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Lesueur, Little, Majors, Martin of Dale, Martin of Talladega, McCall, McGhee, McRae, Molton, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Pennington, Powell, Pynes, Reedus, Register, Reid, Remson, Richardson of Cherokee, Scott, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Staton, Talley, Tait, Walden, Warren, Weaver, Williamson and Wood—72.

Nays—Messrs. Allen, Bennett, Bradley, Brewer, Clarke, Dillard, Goode, Hammonds, Hobbs, Jackson, Mabry, Mardis, Morgan, Nelson, Richardson of Monroe, Scarborough, Stiff and Wright—18.

And the resolution was adopted.

Message from the Senate, by Mr. Cain :

Mr. Speaker: The Senate has originated and passed bills, as follows :

To amend the Military Code of Alabama, to secure the return of the strength and condition of the militia of the State, and for other purposes;

To change the time of holding the circuit court of Marengo county;

And House bills:

To repeal section 2, of an act approved, February 1st, 1854, in reference to the pay of tales jurors, in Macon county;

To authorise certain persons therein named' to be admitted to practice law on the conditions therein named, amended by substitute of Senate.

The Senate bill :

To amend the Military Code of Alabama, to secure the return of the strength and condition of the militia of the State, and for other purposes, was read ; and,

On motion of Mr. Bulger, the constitutional rule was suspended, and the bill read the second and third times forthwith, and passed.

The Senate bill :

To change the time of holding the circuit court of Marengo county, was read the first time ; and,

On motion of Mr. Lesueur, the constitutional rule was suspended, and the bill was read the second and third times, forthwith, and passed.

The House concurred in the amendment of the Senate to the House bill.

Mr. Williamson, from the committee on Enrolled Bills, to whom was referred the following bills, find them correctly enrolled :

An act to amend section 1860 of the Code of Alabama ;

An act for the relief of certain persons therein named ;

An act to provide for the payment of jurors in Jefferson county ;

An act to pay witnesses before grand jurors in the county of Sumter ;

An act to define the boundaries of the town of Jasper in the county of Walker ;

An act to amend section 3500 of the Code of Alabama ;

An act to amend the estray law in Baldwin county ;

An act to establish a company beat in Blount county ;

An act to create an additional company beat and election precinct in Marshall county ;

An act to regulate the time for the taking up of the State docket for the trial of cases in the circuit courts for the 4th judicial circuit of Alabama;

An act to amend an act therein named, incorporating the White Plume Riflemen;

An act to amend the law relating to the summoning of witnesses to the circuit court of Marengo county.

The House then proceeded to the consideration of the special order for the hour, it being the bill to be entitled an act to provide for the inclosure and improvement of the grounds of the Alabama Insane Hospital, and supplying the building with furniture.

Mr. Mardis moved to amend the bill as follows:

SEC. 4. *Be it further enacted*, That the trustees shall report to the next session of the legislature, what disposition is made of the money appropriated by this act and former acts of appropriation to the Alabama Insane Hospital.

Said amendment was adopted; and,

On motion of Mr. Brown, of Tuscaloosa, the constitutional rule was suspended, and the bill as amended, read the third time, and passed, and ordered forthwith to the Senate.

Yeas 53, nays 34.

Yeas—Messrs. Speaker, Aldridge, Allen, Baskins, Bell of Franklin, Boatright, Bradley, Brewer, Brown of Tuscaloosa, Bulger, Calfee, Chamberlain, Clarke, Clayton, Coleman, Dillard, Drummond, Echols, Eustace, Hale, Harris, Herndon, Hobbs, Houston, Irby, Jackson, Jeter, Jones, Kennedy, Lesueur, Little, Mabry, Mardis, McCall, McGhee, McRae, Molton, Morgan, Murphree of Pike, Neal, Nelson, Powell, Reedus, Scott, Slade, Smith of Lauderdale, Talley, Tait, Thompson, Walden, Weaver, Williamson and Wood—53.

Nays—Messrs. Bell of Talladega, Brock, Brown of Marion, Caldwell, Cloud, Denman, Edwards, Espy, Flournoy, Goode, Griffin, Hammonds, Holy, Higgins, Johnston of Perry, Johnson of Tallapoosa, Majors, Martin of Dale, Martin of Talladega, Murphy of Henry, Parker, Pennington, Pynes, Register, Remson, Richardson of Cherokee, Richardson of Monroe, Sheffield, Simpson, Smith of Coosa, Smith of Jefferson, Staton, Warren and Wright—34.

Mr. Bennett asked and obtained leave to record his vote in the affirmative on the vote by which the House adopted the resolution to adjourn *sine die* on the 8th instant.

The House then proceeded to consider the general orders:

The engrossed bills:

To repeal an act entitled an act to amend the patrol law in Pickens county ;

To amend section 3992 of the Code ;

To amend the patrol laws ; were severally read the third time and passed.

The engrossed bill :

To establish a school for the blind, was read the third time, and lost.

Yeas 41, nays 47.

Yeas—Messrs. Speaker, Aldridge, Allen, Bell of Franklin, Brewer, Brock, Browder, Brown of Tuskaloosa, Caldwell, Chamberlain, Clarke, Clayton, Colbert, Coleman, Cullum, Echols, Edwards, Flournoy, Hale, Herndon, Higgins, Hobbs, Irby, Jackson, Mabry, Majors, Mardis, McGhee, Molton, Morgan, Nelson, Powell, Register, Slade, Smith of Lauderdale, Talley, Thompson, Walden, Weaver, Wood and Wright—41.

Nays—Messrs. Bell of Talladega, Boatright, Bradley, Brown of Marion, Calfee, Cary, Denman, Dillard, Drummond, Espy, Eustace, Goode, Griffin, Hammonds, Harris, Holly, Houston, Jeter, Johnston of Perry, Johnson of Tallapoosa, Kennedy, Lesueur, Little, Martin of Dale, Martin of Talladega, McCall, McRae, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Pennington, Pynes, Reid, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Sheffield, Simpson, Smith of Coosa, Smith of Jefferson, Staton, Tait, Warren and Williamson—47.

The engrossed bill :

To amend section 3568 of the Code in its application to the counties of Marshall, Walker, Blount and Madison, was read the third time ; when,

Mr. Drummond moved to indefinitely postpone its further consideration.

Said motion was lost, and the bill passed.

Yeas 67, nays 14.

Yeas—Messrs. Adams, Aldridge, Allen, Bell of Franklin, Boatright, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskaloosa, Bulger, Calfee, Caldwell, Cary, Chamberlain, Clarke, Clayton, Cloud, Colbert, Coleman, Cullum, Denman, Dillard, Edwards, Espy, Eustace, Flournoy, Griffin, Hale, Hammonds, Harris, Higgins, Holly, Irby, Jackson, Jeter, Johnson of Tallapoosa, Jones, Kennedy, Little, Mabry, Majors, Martin of Dale, McGhee, McRae, Morgan, Murphy of Henry, Nabors, Neal, Parker, Powell, Pynes, Reedus, Register, Reid, Richardson of Cherokee, Sheffield, Simpson, Smith of Coosa, Smith of Jefferson,

Smith of Lauderdale, Staton, Talley, Walden, Weaver, Wood and Wright—67.

Nays—Messrs. Bell of Talladega, Bradley, Drummond, Goode, Herndon, Johnston of Perry, Lesueur, Mardis, Nelson, Pennington, Scarborough, Scott, Stiff and Williamson—14.

Mr. Bulger moved to amend the title of said bill as follows: strike out all after the word "Code," in the title of the bill, and insert in lieu thereof the words "of Alabama."

Said amendment was adopted, and the bill ordered forthwith to the Senate.

Mr. McGhee asked and obtained leave to reconsider his vote by which the House passed the bill to destroy the bills of the State Bank and Branches, in the State treasury.

The engrossed bills:

To regulate the length of rails, or poles for causways in Montgomery county;

To compensate John W. Clark, of Barbour county;

To require certain duties of justices of the peace, for the county of Fayette;

To regulate the pay of commissioners for the county of Hancock;

For the relief of Charlotte Ellis, of Greene county;

To increase the pay of members of the commissioners' court of roads and revenue of the county of Covington;

To exempt burying grounds from sale under execution or other legal process;

To authorize the probate judge and county commissioners of Coffee county to establish new beats in said county;

For the use of certain persons therein named;

For the relief of David C. Webb, of Cherokee county;

To increase the jail fees for runaways in the county of Marion;

To repeal an act therein named, approved February 17th, 1854;

To repeal an act therein named, approved February 18th, 1854, so far as the county of Lawrence is concerned;

To divorce Nancy H. Allen from her husband, Julius Allen, and to divorce other persons therein named;

To protect the citizens of Mobile and Baldwin counties in the enjoyment of their oyster beds;

To incorporate the Alabama Bible and Colporteur Society;

For the relief of Robert W. McKelvey, and Lucinda Spain;

To amend section 1910 of the Code of Alabama;

To amend the law in relation to appeals;

To give to records of the probate court, in certain cases, the

same effect as are by law given to the records of courts of general jurisdiction ;

For the relief of James H. Daughdrill, Elisha B. Lott and Henry Hunt, tax collectors of Mobile county ;

To amend section 2182 of the Code of Alabama ;

For the relief of James Camp, executor of Joseph Camp, deceased ;

To prevent gaming among slaves ;

To re-print certain volumes of the Alabama Reports ;

To compel the personal attendance of witnesses in civil cases ;

Authorizing the filing of bills in chancery in certain cases ;

To amend the law as to days of grace on bills of exchange ;

To amend the law in relation to appeals from justices courts ;

To amend section 1056 and 1057 of the Code ;

To amend section 3568 of the Code, in relation to witnesses ;

To change the time of holding some of the Fall terms of the chancery courts of the middle chancery division ;

To regulate the pay of witnesses in criminal cases ; were severally read the third time, and passed.

The engrossed bill :

For the compensation of D. W. Bain, for services rendered to the State of Alabama, was read the third time, and passed.

Mr. Jones moved to lay the bill on the table.

Lost.

Yeas 32, nays 51.

Yeas—Messrs. Adams, Bell of Franklin, Bradley, Brown of Tuscaloosa, Cary, Chamberlain, Clarke, Clayton, Hale, Herndon, Higgins, Hobbs, Irby, Jackson, Johnston of Perry, Jones, Lesueur, Mardis, Martin of Talladega, McRae, Morgan, Nabors, Pennington, Powell, Reedus, Register, Scott, Tait, Williamson, Wood and Wright—32.

Nays—Messrs. Speaker, Aldridge, Allen, Baskins, Boatright, Brewer, Brock, Browder, Brown of Marion, Bulger, Caldwell, Cloud, Coleman, Cullum, Denman, Dillard, Edwards, Espy, Eustace, Flournoy, Griffin, Hammonds, Holly, Houston, Jeter, Johnson of Tallapoosa, Kennedy, Little, Mabry, Majors, Martin of Dale, Murphy of Henry, Neal, Nelson, Parker, Pynes, Reid, Richardson of Cherokee, Richardson of Monroe, Scarborough, Sheffield, Simpson, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Staton, Talley, Thompson, Walden, Warren and Weaver—51.

And the bill was passed.

The Senate bill :

To incorporate the Shelby County Iron Manufacturing company, was read the third time, and passed.

The Senate bill:

To amend section 2471-and 2472 of the Code, was read the third time, and passed.

The engrossed bill:

To authorize James Dellett Porter to practice law, was read the third time; and,

On motion of Mr. Hobbs, laid on the table.

The hour of 1, P. M., arrived, and,

The House adjourned to half-past three o'clock, this afternoon.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The engrossed bills:

To amend section 2471 of the Code;

For the relief of U. T. Cleveland, sheriff of Mobile county;

For the relief of James Shepherd Diggs, of Dallas county;

To repeal an act entitled an act to make a loan to the Alabama and Tennessee Rivers Railroad company, passed January 21, 1856;

To prevent the killing of stock on railroads;

For the relief of F. A. Hinse;

For the relief of Joshua Lyon, tax collector of Sumter county;

To authorize James H. Clanton, executor, to erect gates on a certain public road therein named; were severally read the third time, and passed.

The Senate bill:

To extend the debts due the sixteenth sections, was read the third time, and passed.

Message from the Senate by Mr. Phelan:

Mr. Speaker: The Senate has originated and passed bills of the following titles:

To amend the charter of the town of Orrville, in Dallas county;

For the improvement of the supreme court library;

Prescribing the mode of bringing suits for school districts in Mobile county;

To appoint additional trustees of Howard College.

The Senate bills:

To appoint additional trustees of Howard College;

Prescribing the mode of bringing suits for school districts in Mobile county; were severally read, and the constitutional rule

being suspended, the same were severally read the second and third times.

The Senate bill:

To amend the charter of the town of Orrville, in Dallas county, was read the first time, and the rule being suspended, the same was read the second and third times forthwith.

Mr. Goode moved to lay the bill on the table; said motion was lost, and the bill was passed.

The Senate bill:

For the improvement of the supreme court library, was read, and the constitutional rule being suspended, the same was read the second time forthwith.

Mr. Johnson, of Perry, moved to lay the bill on the table.

Carried.

The engrossed bill:

For the relief of Elijah Woolsey and James S. Bain, of the county of Marshall, was read the third time and passed.

Yeas 57, nays 14.

Yeas—Messrs. Speaker, Allen, Baskins, Bell of Talladega, Bradley, Brock, Brown of Marion, Bulger, Calfee, Cary, Chamberlain, Clarke, Clayton, Cloud, Colbert, Coleman, Cullum, Edwards, Eustace, Flournoy, Griffin, Hobbs, Jackson, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Lesueur, Little, Mabry, Majors, Mardis, Martin of Dale, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Parker, Pennington, Powell, Pynes, Register, Reid, Remson, Scott, Sheffield, Simpson, Smith of Coosa, Smith of Jefferson, Staton, Tait, Thompson, Walden, Warren, Wood and Wright—57.

Nays—Messrs. Adams, Baugh, Brewer, Denman, Espy, Goode, Herndon, Holly, Nelson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Slade and Weaver—14.

The engrossed bill:

To locate permanently the seat of justice in Madison county, was read the third time.

Mr. Goode moved to lay the bill on the table.

Lost.

And the bill was passed.

Yeas 38, nays 27.

Yeas—Messrs. Speaker, Baskins, Baugh, Bennett, Brown of Marion, Chamberlain, Clarke, Cloud, Edwards, Espy, Hale, Herndon, Hobbs Houston, Irby, Jones Lesueur, Mabry, Mardis, Martin of Dale, McCall, Molton, Morgan, Murphy of Henry, Nelson, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Staton, Walden and Wood—38.



Nays—Messrs. Aldridge, Allen, Boatright, Bradley, Brock, Caldwell, Clayton, Colbert, Coleman, Drummond, Eustace, Flournoy, Goode, Hammonds, Johnston of Perry, Johnson of Tallapoosa, Little, McRae, Parker, Reedus, Register, Reid, Tait, Thompson, Weaver and Wright—27.

The engrossed bill:

In relation to the estate of William Forbes, deceased, was read the third time.

Mr. Goode moved to lay the bill on the table.

Lost.

Yeas 2, nays 79.

Yeas—Messrs. Drummond and Goode—2.

Nays—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Brock, Brown of Marion, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Cary, Clarke, Colbert, Coleman, Cullum, Denman, Edwards, Espy, Eustace, Griffin, Hale, Hammonds, Harris, Herndon, Higgins, Hobbs, Holly, Houston, Irby, Jackson, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Lesueur, Little, Mabry, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Parker, Pennington, Pynes, Register, Reid, Remson, Richardson of Cherokee, Scarborough, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Staton, Stiff, Talley, Tait, Walden, Warren, Williamson and Wright—79.

Message from the Governor<sup>1</sup> by Watt Phelan, Esq., private secretary:

Mr. Speaker: His Excellency the Governor has approved of bills, which originated in the House of Representatives, of the following titles:

An act to extend the Fall term of the circuit court of Talladega county;

An act to authorize James H. Weaver to have the roof and plastering of the capitol repaired;

An act to amend section 1537 of the Code of Alabama;

An act to give the probate court of Dallas county jurisdiction over the estate of Calvin Norris, deceased;

An act for the relief of John D. Price of Jefferson county;

An act to extend the provisions of sections 2451 and 2605 of the Code of Alabama;

An act to incorporate the Columbus and Tennessee Valley Railroad company;

An act to establish a company beat in Blount county;

An act to amend section 1860 of the Code of Alabama;

- An act for the relief of certain persons therein named ;
- An act to provide for the payment of jurors in Jefferson county ;
- An act to pay witnessess before grand juries in the county of Sumter ;
- An act to amend the law in relation to the summoning of witnesses to the circuit court of Marengo county ;
- An act to amend an act therein named, incorporating the White Plume Riflemen ;
- An act to regulate the time for the taking up of the State docket, for the trial of causes in the circuit courts of the 4th judicial circuit of Alabama ;
- An act to amend section 3500 of the Code of Alabama ;
- An act to create an additional company beat and election precinct in Marshall county ;
- An act to amend the estray law in Baldwin county ;
- An act to define the boundaries of the town of Jasper in the county of Walker.

Mr. Irby moved to suspend the rule requiring the House to meet at half-past seven o'clock this evening, and the motion prevailed.

The engrossed bill :

To compensate persons for apprehending felons at large and fugitives, was read the third time and passed.

The Senate bill :

To compensate John A. Elmore and M. A. Baldwin, for services rendered the State, was read the second time.

Mr. Mardis moved to refer the bill to the committee on Accounts and Claims.

Lost.

And the bill was ordered to a third reading.

The Senate bill :

For the relief of Hart McCall, late tax collector of Barbour county, and his securities, was read the second time, and the same was amended by the House as follows: strike out the word numbers, where they occur in the bill, and the bill was read the third time under a suspension of the constitutional rule and passed.

The Senate bill :

For the relief of Richard Hudson of Jefferson county, was read the third time forthwith and passed.

The Senate bill :

To sanction the suspension of specie payments by the Central and Commercial Banks of Alabama, was read the second time, and on motion was laid on the table.

Mr. Wright moved to suspend the business before the House to allow him to offer a resolution.

Mr. Goode : to amend so as to allow him to make a report, &c. A division of the question was called, and the question was first upon the motion to suspend, &c., to offer resolution, and the same prevailed.

The question then was upon the motion of Mr. Goode, and the same was lost.

Mr. Wright then offered the following resolution, which was adopted, viz :

*Resolved*, That the assistant and engrossing clerks of the House be authorized to employ clerks sufficient to assist in bringing up the business of this House.

Mr. Powell moved to suspend business to take up joint resolutions proposing amendments to the constitution.

Carried.

And said resolutions were read, and on motion referred to committee on Constitutional Amendments.

The engrossed bill :

To compensate Isaac W. Pollard, was read the third time.

Mr. Brewer moved to lay the bill on the table (at the request of Mr. Goode).

Lost.

Mr. Goode moved to indefinitely postpone the further consideration of the bill, &c.

Lost.

Yeas 11, nays 70.

Yeas—Messrs. Baugh, Brock, Coleman, Goode, Hammonds, Nabors, Pennington, Register, Smith of Jefferson, Talley and Warren.—11.

Nays—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Brown of Marion, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Cary, Chamberlain, Clarke, Clayton, Cloud, Denman, Drummond, Edwards, Espy, Griffin, Hale, Herndon, Higgins, Hobbs, Houston, Irby, Jackson, Johnson of Perry, Johnson of Tallapoosa, Jones, Kennedy, Lesueur, Little, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nelson, Pynes, Reedus, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Lauderdale, Staton, Stiff, Tait, Walden, Weaver, Wood, and Wright—70.

The hour of five o'clock arrived and the House adjourned until to-morrow morning at half past nine o'clock.

THURSDAY, January 28, 1858.

The House met pursuant to adjournment.

The journal of yesterday's proceedings was read and approved.

The Speaker laid before the House a record of divorce; which was referred to the committee on Divorce and Alimony.

CALL OF COUNTIES.

Mr. Clayton introduced a bill to incorporate the Clay<sup>l</sup>Guards, in Barbour county.

Mr. Hale introduced a bill to prevent the sale of spirituous liquors to slaves by boatmen; also,

A bill to authorize the sheriff of Greene county to summon a bailiff to attend on the chancery, probate and commissioners' courts, for said county.

Mr. Wood introduced a bill to regulate the mode of proceedings in cases for rehearing as provided in part 3, title 1, chapter 17, of the Code of Alabama.

Mr. Harris introduced a bill to prevent the sale of spirituous or vinous liquors within certain limits.

Mr. Sheffield introduced a bill for the relief of W. McJohnson, of Marshall county.

Mr. Molton introduced a bill for the relief of certain slaves of Albert Abercrombie, deceased; which bills were severally read the first time, and the constitutional rule being suspended, the same were severally read the second and third times forthwith and passed.

Mr. Register presented the petition of Wm. J. Bracewell; which was referred to the committee on Accounts and Claims.

Mr. Hale introduced a bill requiring the secretary of state to furnish to the several judges of probate for this State, a list of the names of the commissioners of deeds for this State.

Mr. Martin, of Talladega, introduced a bill to amend section 1888 of the Code; which bills were severally read the first time, and under a suspension of the constitutional rule, the same were severally read the second time forthwith and referred to the committee on the Judiciary.

Mr. McGhee introduced a bill for the relief of certain persons therein named; which was read the first time, and the constitutional rule being suspended, the same was read the second time forthwith.

Mr. Hale moved to amend the bill as follows:

*Provided*, That all expenses the State may have incurred, by way of attorney fees and otherwise, shall be deducted from the

same hereby appropriated, and the comptroller shall draw his warrant for the balance.

Said amendment was adopted, and the bill as amended was referred to the committee on Accounts and Claims.

Mr. Brown, of Marion, moved to reconsider the vote by which the House refused to pass the bill to establish a school for the blind.

Message from the Senate by Mr. Cain :

Mr. Speaker: the Senate has originated and passed the following bills:

For the relief of township seventeen, range twenty-nine, in Russell county; also,

Passed House bill to provide for annual sessions of the General Assembly.

Mr. Williamson presented the petition of Wm. M. Curtis and others, of Benton, Lowndes county, in relation to the account of J. J. Adams; which was referred to the committee on Accounts and Claims.

Mr. Molton introduced a bill to incorporate the Montgomery Typographical Union.

Mr. Boatright introduced a bill to prevent the sale of spirituous liquors in the village of Clay Hill, in Pike county; which bills were severally read, and the constitutional rule being suspended, the same were severally read the second time forthwith and ordered to a third reading.

Mr. Mardis introduced a bill to provide for marking out the boundary line between the counties of Shelby and St. Clair; which was read.

Mr. Mardis moved to suspend the rule to give the bill a second reading.

Lost.

And the bill was ordered to a second reading.

Mr. Bell, of Talladega, presented the petition from sundry citizens of Talladega and Randolph counties; which was referred to the committee on Propositions and Grievances.

Mr. Martin, of Talladega, introduced a bill to incorporate the Talladega Conference Institute; which was read, and the rule being suspended, the same was read the second time forthwith and referred to the committee on Corporations.

Mr. Remson introduced a bill to incorporate the Aastœboga Academy, in Talladega county; which was read, and the constitutional rule being suspended on motion of Mr. Remson, the same was read the second time forthwith.

Mr. Remson moved a further suspension to give the bill a third reading.

Mr. Warren demanded the yeas and nays, and the House refused to suspend the rule, four-fifths not voting in the affirmative. Yeas 57, nays 17.

Yeas—Messrs. Speaker, Adams, Aldridge, Baskins, Bell of Talladega, Boatright, Bradley, Brown of Tuskalooza, Calfee, Caldwell, Cary, Chamberlain, Clarke, Clayton, Colbert, Cullum, Dillard, Echols, Eustace, Flournoy, Hammonds, Jackson, Johnson of Tallapoosa, Jones, Kennedy, Lesueur, Mabry, Mardis, Martin of Talladega, McCall, McGhee, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Neal, Nelson, Parker, Pennington, Powell, Pynes, Reid, Remson, Richardson of Monroe, Scott, Slade, Smith of Coosa, Smith of Jefferson, Staton Stiff, Talley, Thompson, Walden, Williamson and Wright—57.

Nays—Messrs. Baugh, Cloud, Coleman, Denman, Drummond, Edwards, Espy, Goode, Griffin, Higgins, Holly, Martin of Dale, Reedus, Richardson of Cherokee, Smith of Lauderdale and Warren—17.

And the bill was ordered to be engrossed.

Mr. Johnson, of Tallapoosa, moved to suspend the business before the House to allow select committee to report.

The motion prevailed, and

Mr. Bulger, from the select committee, to whom was referred the bill to incorporate the Tallapoosa Mill and Bridge company, reported the same back to the House with amendment as follows: strike out "William," where it occurs before Wills, and insert "James."

Said amendment was adopted, and the bill as amended ordered to be engrossed.

Mr. Majors introduced a bill for the relief of certain persons therein named; which was read, and the constitutional rule being suspended, the same was read the second time forthwith, and on motion of Mr. Higgins, referred to the committee on Propositions and Grievances.

Mr. Mabry presented the petition of G. W. Gales, and others, of Dallas county, in relation to costs in criminal cases; which was referred to the committee on the Judiciary.

Mr. Coleman moved to suspend the business before the House in order to take up and consider bills on their second reading.

Carried.

The bills:

To prevent the reissuing of executions by justices of the peace;

To amend an act establishing a board of botanic physicians in the State of Alabama; were severally read and referred to the committee on Propositions and Grievances.

The bill:

For the relief of Nathaniel Upton, of Tuscaloosa county, was read the second time, and referred to the committee on Divorce and Alimony.

The bill:

To repeal an act therein named, so far as Walker county is concerned, approved February 2, 1856, was read the second time, and the constitutional rule being suspended, the same was read the third time forthwith, and passed.

Mr. Williamson, from the committee on Enrolled Bills, to whom was referred the following bill, find it correctly enrolled:

An act to provide for annual sessions of the General Assembly.

The bill:

For the relief of the children of John Stuart and Rose Stuart, was read the second time, and referred to the committee on the Judiciary.

The bill:

For the relief of S. C. Dumas, tax collector of Wilcox county, was read the second time, and the constitutional rule being suspended, the same was read the third time forthwith, and passed.

The bill:

For the relief of Jannett Smith, of Wilcox county, was read the second time, and referred to the committee on 16th Sections.

The bill:

To incorporate the Covington County Canal company, was read the second time, and ordered to be engrossed.

The bills:

To amend and revise the several acts relative to justice courts in the county of Blount;

To regulate the trial of contested will cases;

To regulate the giving of security for costs in the supreme court;

To amend section 2462 of the Code;

To regulate the stowage of vessels in the harbour of Mobile;

To permit free negroes to become slaves;

To amend section 3041 of the Code of Alabama;

To amend the law of evidence in certain particulars;

Authorizing the issuance of garnishments at the commencement, or during the pendency of any suit for a moneyed demand;

To repeal an act approved 13th February, 1855, to increase the amount of tax on peddling in the county of Pike, and to reinact subdivision sixteen of the Code of Alabama, in its application to said county; were severally read the second time, and referred to the committee on the Judiciary.

The bill :

Making one hundred dollars recoverable before justices of the peace ; was read the second time, and on motion of Mr. Jones, laid on the table.

The bill :

To incorporate the trustees of the Providence Infirmary, of Mobile, was read the second time, and referred to the committee on Corporations.

The bill :

To allow magistrates and constables, the same fees in Baldwin county that sheriffs and clerks of the circuit court receive now by law, for like services rendered ;

To authorize the judge of probate of Baldwin county to keep his office in two miles of the court house in said county ; were severally read the second time and referred to a select committee composed of the delegates from the counties of Baldwin and Mobile.

The bill :

To regulate the sale of produce raised or manufactured within this State, was read the second time, and referred to the committee on Propositions and Grievances.

The bill :

To make a loan to the Columbus and Tennessee River Vally Railroad company, was read the second time ; and,  
On motion of Mr. Kennedy, laid on the table.

The bill :

To create an additional company beat and election precinct in Marshall county, was read the second time, and ordered to be engrossed.

The bill :

Establishing a new election precinct in Marion county, was read the second time, and referred to the committee on Privileges and Elections.

The bill :

For the relief of livery stable keepers in the city of Mobile, was read the second time.

Mr. Brown, of Talladega, moved the following amendment :  
Strike out the words, "city of Mobile," and insert in lieu thereof, "this State."

Said amendment was adopted.

Mr. Powell moved a suspension of the rule in order to give the bill a third reading forthwith.

Mr. Drummond demanded the yeas and nays on the motion to suspend, and the same was lost ; four fifths not voting in the affirmative.



Yeas 54, nays 19.

Yeas—Messrs. Adams, Aldridge, Alien, Baskins, Baugh, Bell of Talladega, Bennett, Bradley, Brewer, Browder, Brown of Marion, Brown of Tuscaloosa, Calfee, Caldwell, Cary, Chamberlain, Clarke, Clayton, Colbert, Coleman, Cullum, Echols, Flournoy, Hammonds, Harris, Herndon, Jones, Kennedy, Lesueur, Mardis, Martin of Talladega, McGhee, McRae, Morgan, Murphree of Pike, Murphy of Henry, Neal, Nelson, Parker, Powell, Pynes, Reid, Remson, Richardson of Monroe, Scott, Sheffield, Slade, Smith of Coosa, Smith of Jefferson, Staton, Stiff, Talley, Walden and Wright—54.

Nays—Messrs. Speaker, Brock, Denman, Dillard, Drummond, Edwards, Espy, Eustace, Griffin, Hobbs, Holly, Mabry, Martin of Dale, Register, Richardson of Cherokee, Scarborough, Tait, Warren and Wood—19.

And the bill as amended, was ordered to be engrossed.

The bill :

Requiring the bank commissioner to publish a list of the defaulters to the State Bank and Branches, was read the second time, and referred to the committee on the State Bank and Branches.

The bill to amend the charter of the Marion Railroad company, and to extend said road, was read the second time, and referred to the committee on Internal Improvements.

The bill :

To extend the corporate limits of the town of Salem, in Russell county, was read the second time.

Mr. Aldridge moved to suspend the constitutional rule, to give the bill a third reading forthwith.

Mr. Drummond demanded the yeas and nays upon the motion to suspend, and the motion was lost; four fifths not voting in the affirmative.

Yeas 49, nays 19.

Yeas—Messrs. Adams, Aldridge, Allen, Bell of Franklin, Bell of Talladega, Bradley, Brewer, Brown of Marion, Calfee, Cary, Chamberlain, Clarke, Clayton, Cloud, Colbert, Cullum, Dillard, Echols, Goode, Hale, Harris, Johnston of Perry, Jones, Kennedy, Lesueur, Mabry, Mardis, McRae, Molton, Murphree of Pike, Murphy of Henry, Neal, Nelson, Parker, Pennington, Pynes, Reid, Richardson of Monroe, Scott, Sheffield, Slade, Smith of Coosa, Smith of Jefferson, Staton, Stiff, Walden, Williamson, Wood and Wright—49.

Nays—Messrs. Baugh, Brock, Bulger, Coleman, Denman, Drummond, Espy, Eustace, Hammonds, Hobbs, Holly, Irby,

Martin of Dale, Register, Richardson of Cherokee, Smith of Lauderdale, Talley, Tait and Warren—19.

The bills:

To impose a tax in slander suits ;

To protect the separate estates of married women ;

To compensate N. S. Punch for certain services rendered the State ;

To amend an act therein named ;

To prevent the trading with slaves, and free persons of color ;

To amend section 3080 of the Code ;

To authorize certain acts therein named ;

Authorizing executors, administrators and guardians, to give additional bonds ;

For the relief of the securities of executors, administrators and guardians ;

To authorize the sale of the bonds of the county of Limestone ;

More effectually to reclaim runaway slaves ;

To amend the law in relation to proceedings in chancery ;

To amend section 2218 of the Code ; were severally read the second time and referred to the committee on the Judiciary.

The bills:

To change the time for holding the chancery courts of St. Clair county ;

To establish an election precinct in the county of Lowndes ;

To regulate the appointment and duties of patrols for Lowndes county ;

To prevent betting at ten pins ;

To amend the several acts incorporating the town of Florence in the county of Lauderdale ;

To change the name of Leah J. Stoval ;

For the relief of D. B. Burkhalter, of DeKalb county ;

To provide for the pay of witness summoned to attend the circuit court of Covington county ; were severally read the second time and ordered to be engrossed.

The bill:

To incorporate the Sumter Mounted Guards, was read the second time and referred to the committee on Military affairs.

The bills:

For the relief of John Lawson ;

For the relief of Spencer M. Gayson, of Macon county ;

To make Jincy A. Skinner of the county of Henry, a free dealer ; were severally read the second time, and referred to the committee on Propositions and Grievances.

The bills:

To authorize the consolidation of stock by the North East and

South West Alabama Railroad, and the Wills' Valley Railroad company;

For the establishment of an additional election precinct in the county of Jefferson;

To amend an act to grant certain powers to the commissioners court of roads and revenue, for the county of Lauderdale, and for other purposes; were severally read the second time, and ordered to be engrossed.

The bill:

To make Adeline Armor, of the county of Coffee, a free dealer, was read the second time, and referred to the committee on Proposition and Grievances.

The bill:

To legalize election precincts numbers 7 and 13, in Dale county, was read the second time and referred to the committee on Privileges and Elections.

Mr. Higgins offered the following rule:

*Resolved*, That after Tuesday next, there shall be no bill, petition, resolution, or other new business introduced into this House, nor shall this rule be suspended unless by a vote of two thirds of the members present and voting.

Said rule lies over one day.

The bill:

To change and alter the county boundary line between the counties of Clarke and Monroe, was read the second time, and referred to the committee on County Boundaries.

Message from the Senate, by Mr. Cain:

Mr. Speaker: The Senate has originated and passed the following bills:

To extend the Spring term of the circuit court of Choctaw county;

To require the president of the Tennessee and Coosa Railroad to report semi-annually to the Governor; approved November 30, 1857.

The bill:

To prevent target shooting and cock fighting within one hundred yards of the public road, was read the second time.

Mr. Drummond moved to lay the bill on the table.

Lost.

Mr. Morgan moved to amend.

Mr. Wood called the previous question, and the same was sustained, and the bill ordered to be engrossed.

The bill:

To temporarily suspend the operation of section 2257 of the

Code, was read the second time, and referred to the committee on the Judiciary.

The Senate bill :

For the relief of township 17, range 29, in Russell county, was read and ordered to a second reading.

The Senate bill :

To extend the Spring term of the circuit court of Choctaw county, was read ; and,

On motion of Mr. Pennington, the constitutional rule was suspended, and the bill was read the second and third times forthwith, and passed.

The Senate bill :

Amendatory of an act to require the president of the Tennessee and Coosa Railroad company, to report semi-annually to the Governor, approved November 30th, 1857, was read ; and,

On motion of Mr. Caldwell, the constitutional rule was suspended, and the bill read the second time forthwith.

Mr. Griffin moved the following amendment :

"And, that said report shall show to whom said money was loaned, and the terms of said loan, where made, and when due"; and,

On motion, the bill and amendment was referred to the committee on Internal Improvements.

The Senate bill :

To authorize A. M. Lewis, of Marengo county, to erect gates across a certain public road, was read the second time, and ordered to a third reading.

The Senate bill :

To amend section 2313 and 2779, and to repeal section 2314 of the Code, was read the second time, and referred to the committee on the Judiciary.

The Senate bill :

To incorporate the Rock Island and Coosa Mining company, was read the second time, and referred to the committee on Corporations.

Mr. Mardis moved to reconsider the vote just taken.

The motion prevailed.

The vote was reconsidered, and the constitutional rule suspended, on motion of Mr. Mardis, the bill read the third time forthwith, and passed.

The Senate bill :

To provide for printing the reports of the comptroller of public accounts, state treasurer, and inspectors of the penitentiary, was read the second time, and referred to the committee on the Penitentiary.

The hour of 1½ o'clock having arrived, the House adjourned to 3½ o'clock, this afternoon.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Morgan moved to reconsider the vote by which the House laid on the table, the bill to incorporate the Columbus and Tennessee River Valley Railroad company.

The House refused to reconsider.

Mr. Johnston, of Perry, moved to suspend business, &c., to allow select committee to report.

Lost.

Mr. Flournoy moved to suspend the consideration of general orders, to take from the table the bill to allow James Torbert of Macon county, to pay the taxes on his real estate in Russell county to the tax collector of Macon county.

The motion prevailed.

Mr. Irby moved to amend the bill as follows :

"That John E. Jones, Josiah E. Irby and Christopher P. Irby, of Wilcox county, be authorized to pay the taxes on their real estate in Dallas county, to the tax collector of Wilcox county.

Mr. Bulger moved to lay the bill and amendment on the table.

The motion prevailed.

Mr. Little moved to suspend the business before the House, to take from the calendar the bill to change the county boundary of Hancock county.

The motion prevailed, and the bill was referred to the committee on County Boundaries.

Mr. Mardis, by leave, introduced the following bill, viz :

To punish for breaches of promises of marriage, and for other purposes; which was read, and on motion of Mr. Morgan, was laid on the table.

Mr. Mabry moved to suspend all business to allow committees to report.

The motion prevailed; when,

The House resumed the consideration of the bill to authorize the intendant of the town of Decatur, in the county of Morgan, to subscribe to the capital stock of the Tennessee and Alabama Central Railroad, and for other purposes.

On motion of Mr. Griffin, the constitutional rule was suspended, and the bill was read the third time, and passed.

Yeas 39, nays 32.

**Yeas**—Messrs. Baugh, Bell of Franklin, Bennett, Bradley, Browder, Brown of Marion, Caldwell, Chamberlain, Clarke, Dillard, Griffin, Hale, Herndon, Hobbs, Holly, Houston, Jackson, Jones, Lesueur, Little, Mabry, Mardis, Martin of Talladega, McRae, Molton, Morgan, Murphy of Henry, Nelson, Powell, Pynes, Reedus, Register, Reid, Remson, Staton, Tait, Walden, Wood and Wright—39.

**Nays**—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Bell of Talladega, Boatright, Brewer, Bulger, Calfee, Colbert, Coleman, Cullum, Denman, Drummond, Espy, Eustace, Goode, Hammonds, Irby, Jeter, Johnson of Tallapoosa, Martin of Dale, Nabors, Neal, Parker, Pennington, Richardson of Cherokee, Scott, Smith of Coosa, Smith of Jefferson, and Weaver—32.

#### REPORTS OF THE COMMITTEE ON CORPORATIONS.

Mr. Hale reported favorably to the following bills:

The bills

To incorporate the Montevallo Male and Female Collegiate Institutes of the Union Synod of Cumberland Presbyterian church ;

To prevent the sale of intoxicating liquors in one mile and a half of Burnt Corn Academy, at Burnt Corn, in Macon county ;

To incorporate the Lincoln Male and Female Academy, in Talladega county.

Senate bill :

To incorporate the Rockford Mining company ;

An act to amend an act, approved February 3d, 1852, to incorporate the North Alabama College ;

An act to incorporate the Union Town and Jackson Railroad company ;

An act to incorporate the Mobile Mechanics' Institute ; which bills were severally read the third time, under a suspension of the constitutional rule, and passed.

Mr. Hale reported adversely to the petition of sundry citizens of Bellmonte, in Sumter county.

Mr. Houston moved to lay the report on the table.

Lost.

The report was then concurred in.

Mr. Jones moved to suspend reports from committees, to take from the calendar the bill to accept a grant of land to the State of Alabama, &c., to aid in the construction of certain railroads in said State.

Mr. Dillard moved to amend to take from among the special

orders the bill incorporating the Alabama Marine Fire Insurance company of Montgomery.

The motion prevailed.

The first named bill was read the second time, and the constitutional rule being suspended, the same was read the third time, forthwith, and passed.

The amendment to the second named bill was adopted, and under a suspension of the constitutional rule, the bill as amended, was read the third time, and passed.

Mr. Cullum moved to suspend the rule requiring the House to adjourn at 5 o'clock.

Lost.

Mr. Cullum moved that the House do now adjourn until to-morrow morning, at half-past nine o'clock.

Lost.

Mr. Murphree, of Pike, by leave of the House, introduced a bill to furnish the judge of probate court of Pike county, with Alabama Reports; which was read, the constitutional rule being suspended, the same was read the second time.

Mr. Goode moved to amend by adding the county of Clarke;

Mr. Little: to amend by adding the county of Winston;

Mr. Nabors: by adding the county of Pickens;

Mr. Nelson: by adding the county of Baldwin.

On motion of Mr. Houston, the bill and amendments was laid on the table.

The hour of 5 o'clock arrived, and,

The House adjourned to to-morrow morning, at half-past nine o'clock.

FRIDAY, January 29th, 1858.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Shaver.

The journal of yesterday's proceedings was read and approved.

The Speaker laid before the House a record of divorce; which was referred to the committee on Divorce and Alimony; also,

The returns of the vote for Governor from the county of Clarke; which,

On motion, was laid on the table.

Mr. Hobbs moved to suspend reports from committees, in order to take up and consider the motion made on yesterday, to reconsider the vote by which the House refused to pass the bill to establish a school for the blind.

The motion prevailed, and said vote was reconsidered.

Yeas 67, nays 23.

**Yeas**—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Brewer, Brock, Browder, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Chamberlain, Clarke, Clayton, Cloud, Colbert, Coleman, Cullum, Denman, Echols, Edwards, Flournoy, Griffin, Hale, Harris, Herndon, Higgins, Hobbs, Houston, Huckabee, Irby, Jackson, Jeter, Jones, Lesueur, Little, Mabry, Majors, Mardis, Martin of Talladega, McRae, Molton, Morgan, Nelson, Parker, Pennington, Powell, Reedus, Reid, Scarborough, Scott, Slade, Smith of Coosa, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Tailey, Thompson, Walden, Weaver, Williamson, Wood and Wright—67.

**Nays**—Messrs. Brown of Marion, Dillard, Espy, Eustace, Goode, Hammonds, Holly, Johnston of Perry, Johnson of Tallapoosa, Kennedy, Martin of Dale, McCall, Murphy of Henry, Nabors, Neal, Pynes, Register, Richardson of Cherokee, Richardson of Monroe, Sheffield, Simpson, Smith of Jefferson, Tait, and Warren—23.

Mr. Hale moved to reconsider the vote by which the House concurred in the adverse report of the committee on Corporations, on the bill to incorporate the Belmonte Male and Female Academy in Sumter county; which motion prevailed.

Mr. Houston then moved to lay the report on the table, and the motion prevailed.

Mr. Houston then offered a substitute for said bill; which was adopted, and under a suspension of the constitutional rule, the same was read three times, and passed.

#### REPORTS FROM THE COMMITTEE ON CORPORATIONS.

Mr. Hobbs reported back to the House the bill to reduce and consolidate into one the several acts incorporating the town of Athens, in Limestone county; amended by the committee as follows: amend sub-division 11 of section 5, line 29, by striking out the word "whether," and in line 30 the words "or otherwise;" amend sub-division 13 of section 5, line 10, by striking out the word "five" and inserting the word "one;" amend sub-division 13 of section 5, line 11, by striking out the words "they may likewise, &c., &c.," and to the end of the sub-division, and inserting as follows:

They may likewise tax, license, restrain, or prohibit the establishment of nine or ten pin alleys or billiard tables, and the mayor and aldermen may grant licenses to sell spirituous or vinous liquors, by retail within the corporate limits of said town, and they shall have power to require for such license the pay-



ment of not less than twenty nor more than one thousand dollars.

Said amendment was adopted, and the bill as amended, ordered to be engrossed.

Mr. Hale reported favorably to the bill to incorporate Bethel Male and Female Academy, in the county of Pike, and the constitutional rule was suspended, and the bill read the third time, and passed.

The hour of half-past 10 o'clock arrived,

On motion of Mr. Dillard, the consideration of the special orders was postponed to allow committees to report.

Mr. Hale, from the committee on Corporations, reported favorably to the bill to incorporate the Mobile and Point Clear Steamboat company.

The constitutional rule was suspended, and the bill was read the third time, and passed; also,

Favorably to the following bills:

For the relief of the corporation of the town of Greenville;

To incorporate the Southern Insurance company of Mobile;

To charter the Alabama Insurance company;

To incorporate the town of Columbiana, in the county of Shelby; and under a suspension of the constitutional rule was suspended, and the said bills were severally read the third time and passed.

The hour of 11 o'clock arrived, on motion of Mr. Murphree, the consideration of special orders were suspended in order to allow committees to report.

Mr. Hale, from the committee on Corporations, reported back to the House the bill to amend the corporate powers of the city of Montgomery, amended by the committee as follows: strike out the 3d section; add the following section:

*Be it further enacted,* That the additional tax raised by this bill shall be applied to the principal of the debt now owing by the city, and the building of a guard house and a house for the accommodation of the two fire engines and the hook and ladder companies and their engines and instruments; and a stable for the horses and mules, and protection of the forage of the city: *Provided,* That not more than seven thousand five hundred dollars shall be applied to any other purpose than to the payment of the city bonds; and recommended the passage of the same as amended.

Said amendment was adopted, the constitutional rule suspended and the bill as amended read the third time and passed;

Also favorably to the bill to extend an act to incorporate

Graefenburg Medical Institute, and the constitutional rule was suspended, and the bill read the third time and passed ;

Also favorably to the bill to incorporate the town of Tuscum-bia, in Franklin county, and the constitutional rule was suspended, the bill read the third time and passed.

Mr. Williamson, from the committee on Enrolled Bills, to whom was referred the following bills, find them correctly enrolled :

An act to incorporate the Selma and Gulf Railroad company ;

An act to locate the county site of Winston county ;

An act to change the manner of electing the county treasurer and county surveyor of the county of Butler ;

An act to repeal section 2 of an act approved February 1st, 1854, in reference to the pay of tales jurors in Macon county ;

An act to amend the law in relation to admission to practice in the courts of this State ;

Joint resolutions designating the application of certain lands granted by Congress to the State of Alabama.

Mr. Hale, from the committee on Corporations, reported adversely to the bills :

To amend an act therein named, incorporating the Alabama Coal Mining company ;

Requiring auctioneers to take out license ;

To incorporate the Clarke County Masonic Institute, at Choc-taw corner ;

To limit the boundaries of incorporated towns; and said adverse reports were severally concurred in ; also,

Reported back to the House the petition of sundry citizens of Rogersville, in Lauderdale county, and asked to be discharged from its further consideration; and the report was concurred in, and the committee discharged accordingly ; also,

Adversely to the bill to incorporate the Citronelle Female Academy, of Mobile county.

Mr. Herndon moved to lay said report on the table.

Carried.

Mr. Herndon then moved to amend the bill as follows : strike out " three " and insert " two."

Said amendment was adopted, the constitutional rule suspended, and the bill read the third time and passed.

Message from the Senate by Mr. Cain :

Mr. Speaker: the Senate has passed House bills of the following titles :

For the relief of Emeline R. Goode, of Marion county ;

For the relief of Robert McKelvy and Lucinda Spain ;

An act to amend an act entitled an act to change the mode of assessing the tax of Butler county, approved February 7, 1856; Also originated and passed Senate bill :

In relation to public printing.

The Senate concurred in the amendment of the House to adjourn *sine die* on the 8th day of February next.

Mr. Powell moved to reconsider the vote by which the House concurred in the adverse report of the committee on Corporations, on the bill to limit the boundaries of incorporated towns.

The said vote was reconsidered and the report, on motion of Mr. Powell, laid on the table.

Mr. Bulger moved to amend the bill by striking out "quarter" and inserting "half."

Lost.

Mr. Johnston, of Perry, moved to lay the bill on the table.

Lost.

Yeas 34, nays 41.

Yeas—Messrs. Adams, Aldridge, Allen, Bell of Franklin, Calfee, Clarke, Denman, Dillard, Hale, Harris, Herndon, Higgins, Huckabee, Irby, Jackson, Jeter, Johnston of Perry, Johnson of Tallapoosa, Mabry, Martin of Dale, McCall, McGhee, Morgan, Nabors, Neal, Parker, Register, Richardson of Monroe, Scott, Smith of Jefferson, Smith of Randolph, Tait, Thompson and Williamson—34.

Nays—Messrs. Speaker, Baugh, Bell of Talladega, Boatright, Brock, Brown of Marion, Brown of Tuskalooza, Caldwell, Chamberlain, Coleman, Drummond, Espy, Eustace, Griffin, Hammonds, Holly, Houston, Jones, Lesueur, Mardis, Martin of Talladega, McRae, Murphree of Pike, Murphy of Henry, Nelson, Pennington, Powell, Pynes, Reedus, Reid, Remson, Richardson of Cherokee, Sheffield, Slade, Smith of Coosa, Smith of Lauderdale, Stiff, Walden, Warren, Wood and Wright—41.

Mr. Murphree, of Pike, moved to amend the bill as follows: so as not to read, "shall not extend their corporation more than quarter of a mile from their present limits," instead, "from the centre thereof."

Mr. Smith, of Lauderdale, moved to lay said amendment on the table, and the motion prevailed.

Mr. Powell moved to amend as follows :

"After the word "consent," add "of a majority of those proposed to be included in said enlarged boundary."

Adopted.

Mr. Remson moved the following amendment, viz:

"Strike out 'quarter,' and insert 'eight hundred and seventy-nine yards.'"

Mr. Smith, of Lauderdale, moved to lay said amendment on the table.

Mr. Johnston, of Perry, moved to amend as follows:

“That it shall be the duty of the county surveyor, when any town is proposed to be laid off, to ascertain the centre thereof, and to stick a stake there; it shall also be his duty to measure from said stake a radius of one quarter of a mile, and describe a circle around said town, to be marked and designated by stakes placed at a distance of fifteen yards from each other.

SECTION 3. *And be it further enacted,* That whenever it is proposed to make application to the General Assembly for an act incorporating any village in this State, the county surveyor shall be required to reduce to mathematical demonstration the size that any such village shall certainly grow, and send the result of his labors to the General Assembly, so that an increase of the corporate limits may never be demanded.”

Mr. Smith, of Lauderdale, moved to lay said amendment on the table.

Mr. Mabry moved to postpone the further consideration of the whole matter, until Saturday, the 6th day of February next, and said motion prevailed.

Report from committee on Federal Relations:

Mr. Martin of Talladega made the following report, viz:

The committee on Federal Relations, to whom was referred certain joint resolutions in reference to the present administration, have had the same under consideration, and have instructed me to report that they deem it unnecessary for this General Assembly to act upon said resolutions.

Mr. Brown, of Marion, moved to lay the report on the table.

Lost.

Yeas 18, nays 52.

Yeas—Messrs. Aldridge, Bennett, Brock, Brown of Marion, Clarke, Dillard, Goode, Lesueur, Mardis, McCall, Morgan, Powell, Pynes, Richardson of Monroe, Scarborough, Smith of Coosa, Staton, Stiff and Talley—18.

Nays—Messrs. Adams, Allen, Bell of Franklin, Bell of Talladega, Boatright, Brewer, Brown of Tuscaloosa, Bulger, Calfee, Caldwell, Cary, Chamberlain, Clayton, Cullum, Denman, Edwards, Espy, Eustace, Griffin, Hammonds, Harris, Holly, Huckabee, Irby, Jeter, Jones, Kennedy, Little, Mabry, Martin of Dale, Martin of Talladega, McRae, Molton, Nabors, Neal, Parker, Register, Reid, Remson, Richardson of Cherokee, Scott, Sheffield, Simpson, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Tait, Warren, Williamson, Wood and Wright—52.

And the House then concurred in the report.

Yeas 76, nays 5.

Yeas—Messrs. Adams, Allen, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Brewer, Brock, Browder, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Cary, Chamberlain, Clarke, Clayton, Cloud, Coleman, Cullum, Denman, Drummond, Espy, Eustace, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Higgins, Holly, Houston, Huckabee, Irby, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Little, Mabry, Majors, Martin of Dale, Martin of Talladega, McCall, McGhee, McRae, Morgan, Nabors, Neal; Parker, Pennington, Powell, Pynes, Reedus, Register, Reid, Remson, Richardson of Cherokee, Scarborough, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Stiff, Tait, Walden, Warren, Williamson, Wood and Wright—76.

Nays—Messrs. Brown of Marion, Dillard, Mardis, Richardson of Monroe and Staton—5.

Mr. Martin, of Talladega, reported that the committee deemed it unnecessary for the General Assembly to act upon the joint resolutions in relation to foreign policy, which report was concurred in.

Yeas 64, nays 16.

Yeas—Messrs. Speaker, Adams, Allen, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Brock, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Cary, Cloud, Coleman, Denman, Drummond, Edwards, Eustace, Goode, Griffin, Hammonds, Harris, Herndon, Higgins, Hobbs, Houston, Huckabee, Irby, Jeter, Johnson of Tallapoosa, Jones, Kennedy, Lesueur, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McGhee, Molton, Murphree of Pike, Neal, Parker, Pennington, Pynes, Reedus, Register, Reid, Remson, Richardson of Cherokee, Scarborough, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Stiff, Talley, Tait, Walden, Weaver, Williamson and Wright—64.

Nays—Messrs. Brewer, Browder, Clayton, Dillard, Flournoy, Johnston of Perry, McRae, Morgan, Nabors, Nelson; Richardson of Monroe and Warren—16.

Mr. Clayton reported adversely to the joint resolutions to instruct our Senators, and request our Representatives in Congress, to take measures for a distribution of the surplus revenue in the United States treasury among the several States of the confederacy; which report was concurred in.

Also, reported back to the House the joint resolutions in relation to the slave trade, and asked to be discharged from their further consideration.

Said report was concurred in.

The question then was upon the motion of

Mr. Warren, to lay the resolutions on the table, and the motion prevailed.

Yeas 61, nays 11.

Yeas—Messrs. Speaker, Adams, Allen, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Brock, Browder, Brown of Marion, Brown of Tuscaloosa, Calfee, Chamberlain, Clarke, Coleman, Denman, Dillard, Espy, Eustace, Goode, Griffin, Hammonds, Harris, Herndon, Higgins, Hobbs, Houston, Irby, Jeter, Jones, Lesueur, Little, Mabry, Majors, Mardis, Martin of Dale, McRae, Molton, Morgan, Murphree of Pike, Nelson, Pennington, Powell, Pynes, Reedus, Reid, Remson, Richardson of Cherokee, Scarborough, Scott, Sheffield, Slade, Smith of Coosa, Smith of Randolph, Staton, Talley, Tait, Warren, Weaver and Wright—61.

Nays—Messrs. Brewer, Bulger, Clayton, Cullum, Flournoy, Nabors, Neal, Register, Smith of Jefferson, Smith of Lauderdale and Williamson—11.

Mr. Allen reported back to the House the bill to provide for printing the reports of the comptroller of public accounts, state treasurer and inspectors of penitentiary, and recommended its passage, and the constitutional rule being suspended, the bill read the third time and passed.

Mr. Allen, from the committee on the Penitentiary, made the following report, which was, on motion, laid on the table—viz:

The committee on the Penitentiary ask leave to make the following

#### REPORT:

With permission of the House, a portion of the committee visited the penitentiary, and were afforded every facility for the inspection and examination of that prison, by the courteous lessees, Messrs. Jordan and Moore. They have probably been enabled by that visit, better to comprehend the propriety of carrying into effect the recommendations of the officers of that institution, by the present legislature. The committee would state in this connection, that, so far as they could see and judge, the laws and police regulations for the government of that prison are strictly and impartially enforced by the present officers. The sanitary condition of the prison, also, appears to be properly cared for, and the convicts, with few exceptions, are to be in excellent health, and their condition generally as comfortable as the proper enforcement of prison discipline and discipline

deficiencies in the prison, hereafter to be mentioned, would admit of.

The committee regret the necessity of calling the attention of the House to the fact, of the alarming increase of crime in this State, as manifested in the increase of the number of convicts in the penitentiary. The number of convicts six years ago, was one hundred and fifty, (150,) and now the inspectors' report show, that on the 1st of October last, the number had increased to two hundred and nineteen, (219,) a much greater ratio of increase, the committee apprehend, than the increase of our population; and unless the criminal part of our laws be so modified and changed as to punish certain grades of crime with other punishment than confinement in the penitentiary, the State must very soon incur a very large expenditure of money in the enlargement of the present penitentiary. The committee would instance the fact, that the female convicts now in the penitentiary, for the want of space, are confined in two small rooms, almost exclusively without the privilege and benefit of taking exercise, and breathing the free air--a deprivation they should not be subjected to, if it could be remedied. They are certainly punished more severely than the law contemplates. The committee would further call the attention of the House, to the very crowded condition of the buildings within the walls, from the partially decayed state of whose roof, and the quantity of inflammable material necessarily about them, the whole establishment is very liable to destruction by fire.

If an insurance upon the property of the State could be effected at a reasonable cost, it ought to be done. Some repairs to the walls, and to the buildings within the penitentiary, are needed to preserve them from further injury and decay, and ought to be made.

As before stated, there were a short time since two hundred and nineteen (219) convicts confined in the penitentiary, and the number of cells is only two hundred and eight (208.) We are of the opinion that the number of cells could be increased sixteen, with a moderate expenditure of the public money by the addition of another tier of cells at the South end of the present cells and under the same roof, without an enlargement of the present building. We recommend that the Governor be authorized and required to have the addition and improvement made, and to draw his warrant on the treasurer for the necessary amount of money to have it done. We would also ask the favorable attention of the House to the recommendations of the physician of the penitentiary, and recommend that the improvement he suggests in the hospital department of that prison, be

made; and also the recommendation he makes of having the cells warmed in cold weather, we think worthy of the attention of this House.

The water privileges belonging to the penitentiary was not so good as they should be, and we recommend that the deficiency in this respect be remedied. The committee would further recommend that the present law authorizing the lease of the penitentiary, be so changed, that it shall be the duty of the Governor to commence giving notice for proposals to lease the penitentiary, the 1st October next preceding the expiration of the lease, and to award the lease to the proper bidder, three months before the expiration of the old lease. The committee would also recommend that the present law be so amended, as to require the future lessees of the penitentiary to take and keep the United States convicts on the same terms as the State convicts.

We further recommend that the Governor be empowered to appoint a suitable person on the part of the State, and pay him a reasonable compensation for such service, to settle with the present lessees when the lease expires in April next, and what ever amount of money may be found due the State after a fair and just settlement between the State and said lessees, the Governor be required to use the most summary process in the collection of it from said lessees. Under the law authorizing the lease of the penitentiary, the lessees are required to furnish to discharged convicts suitable clothing and money to enable them to reach their home at the expense of the State. We recommend that provisions be made for the payment of the claim of the present lessees.

All of which is respectfully submitted.

G. W. ALLEN,  
Chairman.

Mr. Scarborough moved to suspend the business before the House to allow him to offer a resolution.

Carried.

Mr. Scarborough then offered the following resolution, which was adopted, viz:

*Resolved,* That the committee on Education be instructed to examine the report of the State superintendent of education, with the receipts of the trustees of the different townships, and report to this House any errors or discrepancies they may find, if any.

The Senate bill:

In relation to public printing, was read, and the constitutional



rule being suspended, the same was read the second time forthwith and referred to the committee on Public Printing.

#### REPORTS FROM COMMITTEE ON SIXTEENTH SECTIONS.

Mr. Pennington reported favorably to the bill for the relief of purchasers of fractional township 25, range 2, in Coosa land district; also,

Favorably to the bill for the relief of Elisha P. Menshew, of Cherokee county.

Mr. Remson reported favorably to the bill for the relief of Aaron Greene; also,

Favorably to the Senate bill for the relief of the estate of Abraham Pennington, late of Cherokee county.

Mr. Pennington reported favorably to the bill for the relief of Jaunett Smith, of Wilcox county; also,

To the bill for the relief of John Lawson; also,

To the bill to refund to the commissioners of free public schools, for the county of Marshall, a certain amount of money, &c.; also,

Favorably to the bill to authorize the trustees of township 14, of range 13, to collect notes due said township; and the constitutional rule was suspended, and bills were severally read the third time and passed.

The hour of half after one o'clock arrived, and the House adjourned to half past three, this afternoon.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The engrossed bill:

To amend the law in relation to divorce and alimony, was read the third time and lost.

Mr. Higgins moved to suspend the business before the House to take up and consider the resolution offered by him on yesterday.

Lost.

Mr. Sheffield moved to suspend, &c., to take up certain bills.

Lost.

The engrossed bills:

For the relief of Champion Farris, tax collector of Marshall county;

For the relief of Mary E. Grigsby, of Coosa county;

For the relief of J. A. Smith, of Sumter county;

For the relief of J. C. Henderson, of Talladega county;

To incorporate the Eastaboga Academy, in Talladega county ;  
 To establish an election precinct in the county of Lowndes ;  
 To change the time for holding the chancery courts for St. Clair county ;

To prevent betting at ten pins ;

To change the name of Leah J. Stovall ;

To provide for the pay of witnesses summoned to attend the circuit court of Covington county ;

For the relief of D. B. Buckhalter, of DeKalb county ;

To incorporate the Covington County Canal company ;

To create an additional company beat and election precinct in Marshall county ;

To incorporate the Tallapoosa Mill and Bridge company ;

To compensate John A. Elmore and M. A. Baldwin for services rendered the State; were severally read the third time and passed.

The engrossed bill :

To change the line between Cherokee and DeKalb counties, was read the third time, and on motion, the further consideration thereof was postponed until to-morrow.

The engrossed bill:

For the relief of Harvy B. Marks, was read the third time and passed.

Yeas 50, nays 30.

Yeas—Messrs. Speaker, Adams, Boatright, Brock, Browder, Brown of Marion, Bulger, Caldwell, Cary, Chamberlain, Clarke, Cloud, Colbert, Drummond, Echols, Flournoy, Goode, Griffin, Harris, Houston, Jackson, Jeter, Johnston of Tallapoosa, Jones, Kennedy, Little, McCall, McGhee, McRae, Molton, Morgan, Murphree of Pike, Nabors, Nelson, Pennington, Powell, Reedus, Register, Richardson of Mouroe, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Stiff, Tait, Walden, Williamson, Wood and Wright—50.

Nays—Messrs. Aldridge, Baskins, Bell of Talladega, Calfee, Clayton, Denman, Edwards, Espy, Eustace, Hale, Hammonds, Higgins, Hobbs, Irby, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, Murphy of Henry, Pynes, Reid, Richardson of Cherokee, Smith of Lauderdale, Smith of Randolph, Staton, Talley, Thompson, Warren and Weaver—30.

The engrossed bill :

To amend section 304 of the Code of Alabama, was read the third time and referred to the committee on the Judiciary.

The Senate bills :

In reference to the settlement of the account between the State of Alabama and the late secretary of state, Vincent M. Benham;

To amend an act to incorporate a company of artillery, at Greensboro';

To allow the probate judge of Montgomery county to take jurisdiction of the estate of Wiggins W. Whitaker, deceased, of Autauga county; were severally read the second time, and the constitutional rule being suspended, the same were severally read the third time and passed.

The Senate bill:

To extend the charter of the Winchester and Alabama Railroad, was read the second time and referred to the committee on Internal Improvements.

The Senate bill:

To amend section 1058 of the Code of Alabama, was read the second time and referred to the committee on the Judiciary.

The Senate bill:

To require the several tax assessors and collectors to prepare and furnish assessment lists to the tax payers, was read the second time and referred to the committee on Ways and Means.

The Senate bill:

For the relief of Joshua Lyon, tax collector of Sumter county, was read the second time and laid on the table.

The Senate bills:

In relation to the payment of taxes; and,

To repeal an act to provide for a geological and agricultural survey of the State, approved 3d February, 1854; were severally read the second time, and referred to the committee on Ways and Means.

The Senate bills:

To amend an act to incorporate the town of Claiborne;

To amend an act to enable Silas Morphew, of the county of Walker, to erect a dam therein named;

For the relief of certain persons therein named;

For the relief of the trustees of the estate of Louisa H. Stringfellow, deceased;

In relation to the taking of the deposition of witnesses;

To amend an act to enable Silas Morphew, of Walker county, to erect a certain dam therein named;

To authorize A. M. Lewis, of Marengo county, to erect gates across a certain public road; were severally read the second and third times, under a suspension of the constitutional rule, and passed.

The Senate bill:

To regulate the pay of jurors and witnesses in the county of Jackson, was read the second time, and on motion, laid on the table.

The Senate bill :

In relation to specie payments by the Mobile Savings Bank, was read the second time, and referred to the committee on Banks and Banking.

The Senate bill :

More effectually to secure the attendance of witnesses in chancery suits, was read the second time, and referred to the committee on the Judiciary.

The Senate bill :

For the benefit of the estate of James Stapp, deceased, late of Pickens county, was read the second time.

Mr. Hale moved the following amendment :

Insert after 1st section, *Provided*, That such administratrix be required by said probate court to give a new bond with security, with the proper conditions, to be approved of by the judge of such court.

Said amendment was adopted, the constitutional rule suspended, and the bill as amended, read the third time forthwith, and passed.

Message from the Senate, by Mr. Cain :

Mr. Speaker : The Senate has passed the following bills, from the House ;

To extend the debts due the 16th sections, amended ;

To authorize the sheriff of Greene county to summons a bailiff to attend on the chancery, probate and commissioners courts of said county, amended.

The amendments of the Senate to the amendment of the House to the Senate bill, to extend the debts due the 16th sections, and the House bill, to authorize the sheriff of Greene county to summons a bailiff to attend on the chancery, probate and commissioners courts of said county, were severally concurred in.

The Senate bill :

To vest in the Tennessee and Alabama Central Railroad company, certain lands granted by Congress in trust to the State of Alabama, to aid in the construction of the Tennessee and Alabama Central Railroad ;

To incorporate the Marshall and Jackson Counties Railroad company ;

To accept the grant of land by Congress to the Coosa and Chattanooga Railroad ; were severally read the second time, and severally referred to the committee on Internal Improvements.

The Senate bills :

For the relief of Lawrence S. Banks, of the county of Morgan ;

For the relief of Wm. P. Ashley ; were severally read the

second time, and severally referred to the committee on Accounts and Claims.

The Senate bill:

To authorize the several courts of county commissioners to regulate the pay of jurors, was read the second time, and referred to the committee on the Judiciary.

The Senate bill:

To provide for the pay of commissioners of roads and revenue for Coffee county; was read the second time, and referred to the committee on Roads, Bridges and Ferries.

The Senate bill:

To regulate the tax fees of jurors in the county of Coffee, was read the second time, and referred to the committee on Ways and Means.

The Senate bill:

For the relief of Benjamin B. Avery, of Chambers county; was read the second time, and referred to the committee on Propositions and Grievances.

The Senate bill:

To change the office of apportioners in the counties of Greene and Marengo, was read the second time, and referred to the committee on Roads, Bridges and Ferries.

The Senate joint resolutions proposing to amend article 4, section 23, of the constitution, so as to elect the comptroller and treasurer biennially, was read the second time, and referred to the committee on Constitutional Amendments.

The House bills:

For the repeal of section 43 of the Code, and providing more equitably for the pay of members;

To make the selling of spiritous liquors in quantities of a quart or more, but less than a barrel, retailing in the meaning of the law;

For the relief of Henry M. Lenoir, of Russell county; were severally read the second time, and referred to the committee on Ways and Means.

The bills:

To amend section 185 of the Code;

For the relief of Robt. T. Ashurst, of Tallapoosa county;

Declaring Mary Ann Stringfellow, a free dealer.

To regulate the remedy of securities in certain cases; were severally read the second time, and referred to the committee on the Judiciary.

The bills:

To amend the attachment laws;

To amend section 397 of the Code;

To increase the fees of the jailor of Perry county, in certain particulars;

For the benefit of the administration of Lewis Stoudenmeir; were severally read the second time, and referred to the committee on the Judiciary.

The bills:

Fixing the time for the tax collector of Mobile county to close his accounts;

And to authorize Frances Monfree to peddle in the State of Alabama; were severally read, and referred to the committee on Ways and Means.

The bill:

For the relief of the heirs at law of Wm. Hawn, deceased, late of Tuscaloosa county, was read the second time, and referred to the committee on State Bank and Branches.

The bill:

To incorporate the Mobile Typographical Union, was read the second time, and referred to the committee on Corporations.

The bills:

For the relief of John A. Howard;

For the relief of Benjamin D. Kern; were severally read the second time, and referred to the committee on 16th Sections.

The bill:

To repeal an act therein named, and to fix the time for holding the circuit courts of Marshall and Jackson, was read the second time, and referred to the delegation from Jackson and Marshall.

The bill:

To authorize Robert E. Jordan, of the county of Covington, to retail spiritous liquors without license, in said county, was read the second time.

Mr. Johnson, of Tallapoosa, moved to amend by adding the name of Obediah Eason, of Tallapoosa county.

Mr. McRae moved to lay the bill and amendment on the table; and the motion prevailed.

The hour of 5 o'clock arrived, and the House adjourned to seven o'clock, this evening.

#### NIGHT SESSION.

House met pursuant to adjournment.

The roll was called, and the following members answered to their names, viz:

Messrs. Speaker, Bough, Bell of Franklin, Bennett, Boatright, Brown of Tuscaloosa, Calfee, Caldwell, Chamberlain, Cloud,

Denman, Drummond, Edwards, Espy, Eustace, Flournoy, Griffin, Hale, Hammonds, Herndon, Higgins, Hobbs, Houston, Jackson, Johnston of Perry, Jones, Lesueur, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Pennington, Pynes, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Staton, Stiff, Talley, Walden, Warren, Weaver, Williamson and Wright—61.

REPORTS FROM THE COMMITTEE ON BANKS AND BANKING.

Mr. Chamberlain reported favorably to the bill in regard to the Mobile Savings company.

Mr. Wood reported favorably to the bill to amend an act to extend the charter of the Mobile Bank; which bills were severally read, under a suspension of the constitutional rule, the third time, and passed.

Mr. Chamberlain reported a substitute for the bill to amend the act to incorporate the Southern Bank of Alabama; which was adopted.

The constitutional rule was suspended, the bill was read the third time, and passed.

Yeas 58, nays 21.

Yeas—Messrs. Aldridge, Allen, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Browder, Brown of Tuscaloosa, Bulger, Calfee, Caldwell, Chamberlain, Clarke, Clayton, Denman, Dillard, Drummond, Echols, Edwards, Flournoy, Griffin, Hale, Herndon, Higgins, Hobbs, Holly, Houston, Jackson, Jeter, Jones, Lesueur, Mabry, Mardis, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphy of Henry, Neal, Nelson, Powell, Reedus, Remson, Scarborough, Scott, Slade, Smith of Coosa, Staton, Stiff, Tait, Thompson, Walden, Weaver, Williamson, Wood and Wright—58.

Nays—Messrs. Speaker, Brewer, Cloud, Espy, Eustace, Hammonds, Haris, Johnson of Tallapoosa, Majors, Martin of Dale, Parker, Pennington, Pynes, Reid, Richardson of Cherokee, Richardson of Monroe, Sheffield, Simpson, Smith of Jefferson, Smith of Lauderdale and Warren—21.

Mr. Wood reported adversely to the bill to repeal section 5, of an act to amend an act to incorporate the Northern Bank of Alabama.

The report was concurred in.

Mr. Wood reported adversely to the bill for the relief of persons indebted to the Commercial and Central Banks; which report, on motion of Mr. Brewer, was laid on the table.

Mr. Register moved the previous question.

The hour of 9 o'clock arrived, and the House adjourned until to-morrow morning, at half past nine.

SATURDAY, January 30, 1858.

House met pursuant to adjournment.

The journal of yesterday's proceedings was read and approved.

Mr. Speaker laid before the House the petition of J. H. Janett; which was referred to the committee on the Judiciary.

Mr. Smith, of Lauderdale, moved to reconsider the vote by which the House on yesterday concurred in the report of the committee on Federal Relations, on the joint resolutions in regard to foreign policy.

Mr. Nabors moved to lay said motion on the table, and the motion prevailed.

Yeas 71, nays 21.

Yeas—Messrs. Speaker, Adams, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Brock, Browder, Brown of Marion, Brown of Tuskalooza, Bulger, Calfee, Caldwell, Cary, Chamberlain, Cloud, Coleman, Cullum, Denman, Echols, Edwards, Eustace, Goode, Griffin, Hammonds, Harris, Herndon, Higgins, Hobbs, Houston, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Lesueur, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, Murphree of Pike, Murphy of Henry, Nabors, Neal, Parker, Pennington, Reedus, Register, Reid, Remson, Richardson of Cherokee, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Randolph, Staton, Talley, Tait, Walden, Warren, Weaver, Williamson, Wood and Wright—71.

Nays—Messrs. Aldridge, Brewer, Clayton, Colbert, Dillard, Drummond, Flournoy, Holly, Jackson, Little, McCall, McRae, Molton, Morgan, Nelson, Powell, Pynes, Richardson of Monroe, Scarborough, Smith of Lauderdale, Stiff and Thompson—21.

Mr. Wright moved to reconsider the vote by which the House yesterday passed the bill for the relief of John Lawson.

Mr. Wood moved to suspend the business before the House, in order to take up and consider the bill to extend the right of trial by jury before justices.

Carried.

Mr. Wood moved to amend by striking out "proviso" in the amendment of the Senate.

Mr. Brock moved the following amendment:

*Provided*, That it shall be the duty of the justice before whom



such jury is empannelled, to furnish said jury with the law relative to the case, then in trial by said jury.

Mr. Drummond moved to amend said amendment as follows:

*Provided further,* That no person shall be competent to act as justice of the peace in this State, unless he has first obtained a license to practice law in the inferior courts of this State.

The hour of 11 o'clock arrived, and on motion, the consideration of special orders was suspended, &c.

Mr. Wood moved to lay the amendment, and the amendment to the amendment, on the table.

Carried.

Mr. Martin, of Talladega, moved the following amendment:

Amend proviso by adding at the end thereof, "unless the amount in controversy shall exceed twenty dollars."

Mr. Coleman moved to lay said amendment on the table.

Carried.

The question then was on the motion of Mr. Wood to strike out the proviso of the Senate.

And the same prevailed.

Mr. Higgins moved the following amendment:

That the provisions of this act shall not apply to the counties of DeKalb and Cherokee.

Adopted.

Mr. Morgan moved the following amendment:

Amend by striking out "fifty cents" to the justice for presiding at such trial, and insert, "two dollars"; also strike out "fifty cents" for the constable attending such trial, and insert, "one dollars."

Mr. Mabry called the previous question, and the question being, shall the main question be now put, the same was decided in the affirmative.

And the substitute as amended, was adopted, and concurred in.

Message from the Senate, by Mr. Cain:

Mr. Speaker: The Senate has passed the following bills from the House:

To require certain duties of the justices of the peace for the county of Fayette;

To regulate the length of rails or poles for causeways on roads in Montgomery county;

To incorporate the town of Rodgersville, in the county of Lauderdale;

To incorporate the Shelby Lime company;

To establish a board of physicians in the county of Perry;

- To repeal an act entitled an act to amend the probate law in Pickens county;
- To locate permanently the seat of justice in Marion county, in relation to the estate of William Forbes;
- To prevent gaming among slaves;
- To exempt burying grounds from sale under execution or other legal process;
- An act for the relief of David C. Webb, of Cherokee county;
- To increase the pay of the members of the commissioners' court of roads and revenue, of the county of Covington;
- For the relief of Charlotte Ellis, of Greene county;
- To protect the citizens of Mobile and Baldwin counties in the enjoyment of their oyster beds;
- To change and establish the boundary lines between the counties of Marshall, DeKalb and Jackson;
- To incorporate the Madison Rifles;
- For the repeal of an act therein named;
- To compensate John W. Clarke, of Barbour county;
- For the relief of S. C. Dumas, tax collector of Wilcox county;
- For the relief of W. McJohnson, of Marshall county;
- To repeal an act therein named, so far as Walker county is concerned, approved February 2d, 1856;
- For the relief of Peter McGhee, late tax collector of Pickens county;
- To increase the compensation of the members of the commissioners' court for the county of Pike;
- For the relief of Joshua Lyon, tax collector of Sumter county;
- To establish a medical board in Autauga county;
- In reference to the estate of Hillary Foster, deceased;
- To incorporate a Male High School in the town of Moulton, in this State:
- To incorporate the Franklin Guards;
- To prevent the sale of ardent spirits, at, or within two miles of the Athens Academy in the town of Ramah, Montgomery county;
- To incorporate the Cahaba Rifles;
- To compensate returning officers, for making election returns in Baldwin county;
- To repeal an act therein named, approved February 18th, 1854, so far as the county of Lawrence is concerned;
- To incorporate the Winston Male College;
- To incorporate the Hurricane Academy, in Barbour county;
- For the relief of John R. Bumpas, of Clarke county;

To cause the county treasurer of Clarke county to be elected by the qualified voters thereof;

To authorize the Governor to issue a patent to Thos. L. Penn, of the county of Chambers;

For the relief of James Camp, executor of Joseph Camp, deceased;

An act to repeal an act therein named, so far as the same relates to Butler county;

Also, House bill to repeal an act therein named, approved February 17th, 1854; amended by the Senate;

To regulate the pay of commissioners for the county of Hancock; amended by the Senate;

Also House bill, for the relief of James Shepherd Diggs, of Dallas county; amended by the Senate.

The Senate has concurred in the amendments of the House to the following Senate bills:

For the relief of Hart McCall, late tax collector of Barbour county, and his securities; also,

To establish election precincts, and for other purposes;

To incorporate the Eufaula Rifles.

And have originated and passed the following:

To dispose of the remaining affairs of the State Bank and Branches, and for other purposes;

To amend the laws regulating the settlements of the estates of deceased persons;

To give the court of probate for Green county jurisdiction of the estate of Caroline M. Goree, deceased, late of Perry county.

The House concurred severally in the amendments of the Senate to the House bills:

For the relief of James Shepherd Diggs, of Dallas county;

To regulate the pay of commissioners for the county of Hancock;

To repeal an act therein named, approved February 17th, 1854.

The Senate bill:

To dispose of the remaining affairs of the State Bank and Branches, was read, and the constitutional rule being suspended, the same was read the second time.

Mr. Jones moved to amend by striking out the last section of the bill.

The hour of 12 o'clock M., arrived, and on motion of Mr. Dillard, the consideration of general orders was suspended to proceed with the business now before the House.

The question then was upon the adoption of the amendment offered by Mr. Jones, and the same was adopted.

Yeas 54, nays 34.

Yeas—Messrs. Adams, Bell of Franklin, Bell of Talladega, Bradley, Brewer, Brock, Brown of Tuskalooza, Calfee, Caldwell, Cary, Chamberlain, Clarke, Cloud, Cullum, Denman, Drummond, Echols, Edwards, Flournoy, Griffin, Hale, Harris, Herndon, Higgins, Hobbs, Houston, Huckabee, Irby, Jackson, Jones, Mabry, Majors, Mardis, Martin of Talladega, Morgan, Murphree of Pike, Nabors, Neal, Nelson, Parker, Powell, Reedus, Remson, Richardson of Monroe, Sheffield, Smith of Randolph, Staton, Tait, Thompson, Walden, Weaver, Williamson, Wood and Wright—54.

Nays—Messrs. Speaker, Aldridge, Allen, Baugh, Browder, Brown of Marion, Bulger, Clayton, Coleman, Dillard, Eustace, Goode, Hammonds, Holly, Jeter, Johnston of Perry, Johnson of Tallapoosa, Kennedy, Little, Martin of Dale, McRae, Murphy of Henry, Pynes, Register, Reid, Richardson of Cherokee, Simpson, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Stiff, Talley and Warren—34.

Mr. Nabors moved to amend the bill as follows:

SECTION — *Be it further enacted*, That said commissioner and trustee shall receive for his services such compensation as may be fixed by the next General Assembly of this State.

Said amendment was adopted, and the bill as amended, was ordered to be engrossed.

The Senate bills:

To amend the laws regulating the settlement of the estates of deceased persons;

To give the court of probate for Greene county jurisdiction of the estate of Caroline M. Goree, deceased, late of Perry county; were severally read, and under a suspension of the constitutional rule, the same were severally read the second and third times forthwith, and passed.

Message from the Senate, by Mr. Cain:

Mr. Speaker: The Senate has passed the House bill to extend the time for the payment of the balance of the principal of the debt due from the Mobile and Ohio Railroad company, to the State of Alabama, and amended the same as therein shown by substitute.

Also, has originated and passed the following joint resolution, in which they ask the concurrence of the House:

*Resolved*, That with the concurrence of the House of Representatives, the two houses will meet in the Hall of the House on Monday next, February 1st., to elect trustees of the University in the following judicial circuits, to-wit:

In the third circuit, to fill the expired term of Daniel E. Watrous, and two additional trustees.

In the fifth circuit, to fill the expired term of Wm. H. Forney.

In the sixth circuit, the expired term of John W. Portis.

In the seventh circuit, to fill the expired term of M. L. Stansell.

Mr. Williamson, from the committee on Enrolled Bills, to whom was referred the following bills, find them correctly enrolled:

An act to amend an act entitled an act to change the mode of assessing the tax of Butler county, approved February 7th, 1856;

An act for the relief of Emeline R. Goode, of Marion county;

An act to authorize the sheriff of Greene county to summons a bailiff to attend on the chancery, probate and commissioners' courts of said county.

Veto message from the Governor, by Watt Phelan, Esq., private secretary, on the bill to provide for annual sessions of the General Assembly; which was read.

Mr. Wood moved to postpone the further consideration of the message until Monday the first of February next, at 10½ o'clock of that day.

Mr. Caldwell moved that one hundred and thirty-three copies of said message be printed.

Mr. Echols moved to lay the motion to print on the table.

Carried.

The question then was on the motion of Mr. Wood, and the same prevailed.

Mr. Speaker: I herewith return to the House, in which it originated, without the approval of the Governor, and with his objections thereto, a bill to be entitled an act to provide for annual sessions of the General Assembly.

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., Jan. 30, 1858. }

*Gentlemen of the House of Representatives:*

The bill to be entitled an act to provide for annual sessions of the General Assembly, which originated in the House of Representatives, is herewith respectfully returned without my approval.

The object of the bill meets my approbation, and I regret that I cannot give it my sanction.

The principal reason which induced the change from annual

to biennial sessions, was the great expense to which the State was subjected, by protracted annual sessions.

The bill under consideration, by limiting sessions to forty days, would remedy this evil, as two annual sessions of forty days would not equal the average length of one biennial session.

If the public expenditures would not be increased by returning to annual sessions, the expediency of the proposition is manifest. Entertaining this opinion, I have earnestly endeavored to free my mind from constitutional difficulties, which have presented themselves, but have not been able to do so. That it was the intention of the legislature, at the session of 1844, in proposing to amend the second and third sections of the third article, and the eighth section of the fourth article of the Constitution, to establish biennial sessions, does not admit of a doubt. The caption to the joint resolutions, proposing the amendments, clearly shows this: It is in these words: "joint resolutions proposing amendments to the Constitution, providing for biennial sessions of the legislature, and for other purposes." As further evidence on this point, the resolution directing the sheriffs and managers of elections, in regard to the questions to be propounded to the electors, when they offered their votes on the amendments, required them to ask the voters this question: "Are you in favor of biennial sessions of the legislature?"

In addition to this, the caption to the joint resolutions ratifying the amendments reads as follows: "joint resolutions ratifying the proposed amendments to the Constitution of the State of Alabama, providing for biennial sessions of the legislature, and for other purposes." Nothing more is required to show that the legislature intended, by the amendments referred to, to establish biennial sessions.

Was the object effected by these proposed amendments, which was so manifestly intended? There are two modes of amending the Constitution: The first is by the people in convention; the second, in the manner prescribed by the instrument itself. When the latter mode is adopted, the amendments must be proposed by the people by two-thirds of each branch of the legislature; they must then "be duly published in print three months before the next general election for representatives, for the consideration of the people;" the election returns made to the secretary of state must show that a majority of those voting for representatives have voted in favor of the proposed amendments; and they must be ratified by two-thirds of each House of the next General Assembly. Were all these requisites complied with? If they were, then amendments form a part of the Constitution—otherwise not. That the amendments to the second and third

sections of the third article, and to the eighth section of the fourth article, were proposed in the mode pointed out by the Constitution; that they were published in print, as required, and voted upon by a majority of all those voting for representatives, in accordance with the provisions of the act, directing the managers what questions to propound to the voters, will not be questioned.

The Constitution is silent as to the manner in which the questions shall be put to, or answered by the voters. This seems to have been left to legislation, and the legislature, so considering it, exercised this right and directed but one question to be asked upon the amendments to the three sections alluded to, to-wit: "are you in favor of biennial sessions of the legislature?"

Now, why was it that this question, alone, was required to be asked when three different sections were to be amended? My answer is this: the legislature considered biennial sessions the main object to be effected, and that biennial elections, and the other amendment, authorizing the Governor in a certain contingency to adjourn the two Houses to a time not beyond the next biennial meeting of the General Assembly, as necessary incidents to biennial sessions, and embraced under the question to be asked. They knew, as every reflecting mind must see, that if biennial sessions were adopted, biennial elections followed as a necessary consequence, as well as the change in the eighth section of the fourth article. As the Constitution required no particular questions to be propounded, and as the voters were presumed to know what the proposed amendments were, they having been published for their information and consideration, my opinion is, that the question asked was sufficient to cover the alterations proposed in three sections under consideration, and that these alterations might well be considered as one amendment.

The views expressed bring me to the conclusion that the requirements of the Constitution have been complied with in regard to these amendments up to the next General Assembly. The question now arises, were these amendments ratified by the next General Assembly as required by the organic law? That the amendments of the eighth section of the fourth article, and the second section of the third article, were properly ratified, I have no doubt. The word "every," preceding the words "two years," in the second section of the ratification act is not found in the proposing act; but it in no manner effects or changes the meaning of the amendment as proposed and voted upon.

There is more difficulty in determining the character and effect of the amendment to the third section of the third article. The amendment proposed was, to strike out the words "every year,"

and insert every "two years." These words were not inserted in the ratifying act, but the words "at each session" were inserted in lieu thereof. Why was this done? The reasonable presumption is, that the legislature, knowing that the adoption of biennial sessions was the chief object of the amendment, and believing that the words "at each session" did not change the meaning of the section as proposed to be amended or the intention of the legislature or people, but made the latter more definite, inserted these words in the ratifying act. It is true that the legislature was unfortunate in the selection of words to convey their meaning, both in the proposing and ratifying act; yet these words may be construed to mean the same thing, when taken in connection with the amendment to the other two sections referred to.

It is our duty so to construe all these amendments (if it can be done) as to give vitality to them all, and to make them consistent with each other. This may be done. The second section clearly establishes biennial elections. The third section shows, with equal certainty, that the representatives must be elected "at each session." If, then, you adopt annual sessions, and the representatives are to be elected "at each session," you must have annual elections. This construction of the third section would be inconsistent with the provisions of the second, and, for this reason, is wrong. The construction placed upon the third section by the legislature, when it was ratified, was, as I then understood it, that biennial sessions were adopted, and that the representatives should be elected on the first Monday in August and the day following, previous to the meeting of the General Assembly. This construction makes the two sections harmonise, and enable them both to stand; it carries out the intention of the legislature and the people, and gives validity to the amendment in the eighth section of the fourth article, which would otherwise be absurd and without meaning. I cannot suppose that the legislature contemplated annual sessions, and at the same time authorized the Governor, in a certain contingency, to adjourn the two Houses over to the next biennial meeting of the General Assembly. Such an idea cannot be entertained and do justice to those who proposed and ratified the amendments. The conclusion to which I have arrived is, that these amendments were proposed, voted upon and ratified in such manner as to make them a part of the Constitution, and adopted biennial sessions.

As to the correctness of this conclusion, I am not without some doubts; yet these doubts are not of such a character as to enable me to believe that the proposed amendments have not



become a part of the Constitution. That they are obscure and difficult to understand is shown by the fact that the members of the legislature, as well as our most eminent lawyers, differ in regard to the matter. This tends to show that the constitutional right to enact the law under consideration is at least very doubtful. This being true, that wholesome rule which says "that doubtful powers should not be exercised," and especially when the power depends upon the organic law, applies in all its force to this case. If this bill should become a law, and it should hereafter, by the proper authorities, be decided to be unconstitutional, the consequences might be disastrous to the public interests.

For these reasons, thus hastily submitted, I am compelled, reluctantly, to withhold my approbation. I respectfully suggest the propriety of passing joint resolutions, at the present session, proposing amendments to the Constitution effecting the objects of this bill, in order that the doubts and difficulties under which we are now laboring may be removed, and that the people may be able to understand the supreme law of the land.

Respectfully, &c.,

A. B. MOORE.

The Speaker laid before the House a record of divorce; which was referred to the committee on Divorce and Alimony.

Mr. Morgan moved to adjourn.

Lost.

Mr. Nelson moved to suspend the business before the House to allow select committees to report.

Carried.

Mr. Nelson, from select committee to whom was referred the bill to authorize the judge of probate in Baldwin county, to keep his office in two miles of the court house in said county, reported the same back to the House and recommended its passage, and the constitutional rule being suspended, said bill was read the third time forthwith, and passed.

Also, reported back to the House the bill to allow magistrates and constables the same fees in Baldwin county, that sheriffs and clerks of the circuit courts receive now by law for like services, amended by the committee as follows: Strike out "allowance" and insert "fee," and recommended its passage as amended.

Said amendment was adopted, and under a suspension of the constitutional rule, the bill as amended, was read the third time forthwith, and passed.

Mr. Nelson moved a further suspension, &c., to allow committee on Roads, Bridges and Ferries to report.

When on motion, the House adjourned to Monday morning at half past nine o'clock.

MONDAY, February 1st, 1858.

House met pursuant to adjournment.

Prayer by Rev. Mr. Mitchell.

The journal of Saturday's proceedings was read and approved.

Mr. Staton moved the call of counties to take up the Senate bill in regard to reducing the fees for advertisements of executors, administrators and guardians, &c.; which motion was lost.

#### CALL OF COUNTIES.

Mr. Pennington introduced a bill to compensate tax assessors, for assessing the county taxes of Choctaw county; which was read, and the constitutional rule being suspended, the same was read the second time forthwith.

Mr. Brewer moved to amend the bill by adding the county of Coosa.

Mr. Williamson: by adding the county of Lowndes.

Adopted.

And the yeas and nays being demanded upon the adoption of the amendment offered by Mr. Brewer, the same was adopted.

Yeas 41, nays 22.

Yeas—Messrs. Speaker, Baugh, Bradley, Brewer, Brock, Brown of Marion, Caldwell, Coleman, Denman, Higgins, Houston, Huckabee, Irby, Jackson, Lesueur, Little, Mabry, Mardis, McCall, McGhee, Molton, Morgan, Murphy of Henry, Nabors, Neal, Nelson, Parker, Pennington, Pynes, Register, Remson, Scarborough, Scott, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Tait, Warren, Weaver and Williamson—41.

Nays—Messrs. Adams, Bell of Talladega, Boatright, Calfee, Chamberlain, Dillard, Edwards, Espy, Eustace, Griffin, Jeter, Jones, Kennedy, Martin of Dale, Murphree of Pike, Reid, Richardson of Cherokee, Sheffield, Simpson, Smith of Coosa, and Smith of Lauderdale—22.

On motion the bill was further amended by adding the county of Autauga, and under a suspension of the constitutional rule, read the third time, as amended, and passed.

Mr. Goode introduced a bill for the relief of Levi Pike, of Clarke county; which was read, and the constitutional rule being suspended, the same was read the second time forthwith, and referred to the committee on Propositions and Grievances.

Mr. Holly introduced a bill to repeal in part an act therein named; which was read, and ordered to a second reading.

Mr. Majors introduced a bill to authorize the Governor of the State to issue a patent in a certain case.

Mr. Smith, of Jefferson, introduced a bill to establish the boundary line between the counties of Jefferson and St. Clair.

Mr. Wood: a bill to regulate the practice in partition suits;

Mr. McGhee: a bill for the relief of Hester Seaward, administratrix, and John R. Brister, administrator, of the estate of Jas. M. Seaward, deceased.

Mr. Jones: a bill to amend section 1847 of the Code; which bills were severally read, and under a suspension of the constitutional rule, the same were severally read the second and third times forthwith, and passed.

Mr. Hale presented the memorial of various citizens of Greensboro', in relation to repeal of sections 4 and 5 of an act passed on the 25th January, 1856, to incorporate the Southern University, &c.; which was referred to the committee on the Judiciary.

The hour of half past ten o'clock having arrived, for which hour there was a special order, on motion of Mr. Hobbs, the consideration of said special order was suspended in order to proceed with the call of the counties.

Mr. Hobbs introduced a bill to provide for the transfer of all matters relating to the school funds, from the State Bank and Branches to the office of the superintendent of education; which was read, and the constitutional rule being suspended, the same was read the second time forthwith.

Mr. Smith, of Lauderdale, moved to amend the bill as follows:

*Provided*, That the provisions of this act shall not interfere with or empower the superintendent to collect any money loaned out by the trustees in any township in this State, as heretofore authorized by law.

Said amendment was adopted, and under a suspension of the constitutional rule, said bill as amended, was read the third time and passed.

Mr. Drummond introduced a bill to repeal certain acts therein named, and to regulate the city and circuit courts of Mobile county; which was read, and the constitutional rule being suspended, the same was read the second time forthwith, and ordered to be engrossed.

The hour of 11 o'clock having arrived, the consideration of special orders was, on motion, suspended to proceed with the business now before the House.

Mr. Molton presented the account of John S. Aikenhead; which was referred to the committee on Accounts and Claims.

Mr. Smith, of Randolph, introduced a bill to amend section 733 of the Code.

Mr. Mardis: a bill to establish a new election precinct in Shelby county.

Mr. Houston: a bill to amend the corporation of Livingston.

Mr. Smith, of Lauderdale, moved to amend said bill by striking out all that relates to vinous liquors; which amendment was adopted.

Mr. Martin, of Talladega: a bill to compensate John W. Shepherd for his services as clerk of the committee on the Judiciary of the House of Representatives.

Mr. Bulger introduced a bill to repeal in part an act therein named, so far as it applies to Tallapoosa county; which bills were severally read, and the constitutional rule being suspended, the same were severally read the second and third times forthwith, and passed.

Mr. Houston introduced a bill to increase the powers of the intendant and council of the town of Livingston, Sumter county; which was read, and the constitutional rule being suspended, the same was read the second time forthwith, and referred to the committee on Corporations.

Mr. Martin, of Talladega, introduced joint resolutions proposing amendments to the constitution; which were read, and ordered to a second reading.

Mr. Bulger introduced joint resolutions proposing amendments to the constitution; which were read, and ordered to a second reading.

Mr. Powell introduced a bill to make Hannah W. Johnson, wife of Wm. Johnson, of the county of Tuskalooza, a free dealer; which was read, and the constitutional rule being suspended, the same was read the second time forthwith.

Mr. Warren moved to amend the bill by adding the name of Adeline Armour, of Coffee county.

Mr. Little: to amend by adding the name of Sarah Howell, of Winston county.

Mr. Bell, of Talladega: by adding the name of Rebecca F. Street, of Talladega county.

Mr. Coleman: by adding the name of Dorcas McCollough, of Fayette county.

Mr. Edwards: by adding the name of Elizabeth Gilliland, of Blount county.

Mr. Morgan: by adding the name of Sarah King, of Shelby county.

Mr. Espy: by adding the name of Miriam Ware, of Cherokee county.

Mr. Holly : by adding the name of Celia Raymer, of Covington county.

Mr. Wood ; by adding the name of Margaret Lucinda Cain, of Franklin county.

Mr. Brown, of Tuscaloosa, moved to suspend the business before the House, in order to take up the joint resolution of the Senate to elect trustees for the University. Carried.

Mr. Wood moved to amend said joint resolution by striking out "Monday," and inserting "Tuesday."

Adopted, and the resolution as amended, concurred in.

The question then was on laying the amendments to the bill to make Hannah W. Johnson, &c., a free dealer; and the same prevailed.

The question then was on laying the bill on the table; and the same prevailed.

Message from the Senate, by Mr. Cain :

Mr. Speaker : The Senate has originated and passed the following bills :

For the benefit of the estate of Pleasant Hill, deceased, late of Bibb county ;

For the relief of D. W. James, administrator of Alexander Hill, deceased ; also,

Bill for the relief the deaf and dumb ; also,

House bill : to prevent the sale of spirituous liquors in the village of Clay Hill, in Pike county ; amended as therein shown.

Message from the Governor, by Watt Phelan, Esq., private secretary :

Mr. Speaker : His excellency the Governor, has approved of bills which originated in the House of Representatives, of the following titles :

An act to incorporate the Selma and Gulf Railroad company ;

An act to change the mode of electing the county treasurer and county surveyor of the county of Butler ;

An act to locate the county site of Winston county ;

An act to repeal section two of an act approved February 1st, 1854, in reference to the pay of the tales jurors, in Macon county ; also,

Joint resolutions designating the application of certain lands granted by Congress to the State of Alabama.

Mr. Tait introduced a bill to regulate the time of holding the circuit courts of the counties of Wilcox, Dallas and Lowndes, which was read, and the constitutional rule being suspended, the same was read the second time forthwith.

The hour of 12 o'clock, M., having arrived, on motion of

Mr. Tait, the consideration of general orders were suspended,

to proceed with the business now before the House, and said bill was read the third time, under a suspension of the constitutional rule, and passed.

Yeas 55, nays 3.

Yeas—Messrs. Adams, Aldridge, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Browder, Brown of Marion, Bulger, Cary, Clarke, Clayton, Cullum, Denman, Dillard, Drummond, Edwards, Espy, Goode, Griffin, Holly, Jackson, Jeter, Kennedy, Lesueur, Little, Majors, Mardis, Martin of Dale, McRae, Molton, Morgan, Murphy of Henry, Nelson, Parker, Pennington, Powell, Reedus, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Sheffield, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Stiff, Talley, Tait, Thompson, Walden and Wright—55.

Nays—Messrs. Irby, Mabry and Martin of Talladega—3.

Mr. Dillard introduced a bill for the relief of W. B. & A. R. Bell, which was read, and under a suspension of the constitutional rule, the same was read the second and third times forthwith and passed.

Message from the Senate by Mr. Brittan:

Mr. Speaker: The Senate has concurred in the amendment of the House to the Senate joint resolution to adjourn *sine die* on the first February instant.

Mr. Smith, of Lauderdale, moved to suspend the business before the House to take up the veto message of the Governor in regard to annual sessions of the General Assembly. The motion prevailed, and the House proceeded to consider said message.

Mr. McGhee moved to postpone the consideration of the message until to-morrow, ten o'clock, and make it special order for that hour.

Lost.

And the question being shall the bill pass, notwithstanding the executive veto, and the same was lost.

Yeas 36, nays 56.

Yeas—Messrs. Speaker, Adams, Aldridge, Baugh, Bell of Franklin, Boatright, Browder, Bulger, Clarke, Clayton, Cloud, Colbert, Coleman, Dillard, Echols, Espy, Flournoy, Goode, Griffin, Jeter, Little, Majors, Mardis, Martin of Dale, McRae, Nabors, Neal, Nelson, Pynes, Register, Richardson of Cherokee, Sheffield, Smith of Coosa, Staton, Thompson, Walden and Warren—36.

Nays—Messrs. Allen, Bell of Talladega, Bennett, Bradley, Brewer, Brock, Brown of Marion, Brown of Tuskaloosa, Calfee, Caldwell, Cary, Chamberlain, Cullum, Denman, Drummond,

Edwards, Eustace, Hale, Hammonds, Harris, Herndon, Higgins, Hobbs, Holly, Houston, Huckabee, Irby, Jackson, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Mabry, Martin of Talladega, McCall, McGhee, Morgan, Murphy of Henry, Parker, Pennington, Powell, Reedus, Reid, Remson, Richardson of Monroe, Scarborough, Scott, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Stiff, Talley, Tait, Weaver, Williamson, Wood and Wright—56.

Message from the Senate by Mr. Cain :

Mr. Speaker: the Senate has originated and passed the following bills:

To authorize the Governor to issue a patent to east half, south east quarter, section sixteen, township twenty-two, range twenty-four, on certain conditions therein named ;

For the relief of the devisees of the heirs of Janè Barry, deceased.

Mr. Martin, of Talladega, moved to suspend business before the House to take up and consider certain bills.

The motion prevailed.

The House proceeded to consider the bill to authorize the Alabama and Tennessee Rivers Railroad company, and the Tennessee and Coosa Railroad company, to unite and form one company, and to amend an act therein named.

Mr. Powell moved to amend as follows :

*Be it further enacted,* That the money set apart by the act referred to in the foregoing provisions of this bill, being an act to aid the Coosa and Tennessee Railroad, shall not be drawn by the said Alabama and Tennessee Rivers Railroad, until all the provisions of said act shall be complied with by said consolidated road ; and when drawn, shall be faithfully applied to that portion of the said consolidated road, now known as the Coosa and Tennessee Railroad, according to the provisions of said act ; and should the Alabama and Tennessee Rivers Railroad be diverted from the route designated by this act, so as to connect with the Georgia Railroad, either at Rome or any other point, or make any other diversion in the road, now known as the Coosa and Tennessee Railroad, then the said Alabama and Tennessee Rivers Railroad shall forfeit to the State of Alabama, for the use of the three per cent. fund, the whole amount of said fund drawn, by the provisions of the act referred to, with interest from the time the same is drawn, at the rate of six per cent. per annum, to be recovered by motion against said Alabama and Tennessee Rivers Railroad in the circuit court of Montgomery county, upon notice to the president of said road twenty days previous to submitting said motion.

When the hour of half-past 1 o'clock arrived, and the House adjourned until half-past 3 o'clock, P. M.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Richardson, of Cherokee, moved to suspend the regular order of business to take up joint resolutions, &c.

Lost.

Senate message.

The House concurred in the amendment of the Senate to the House bill to extend the time for the payment of the balance of the principal of the debt due the Mobile and Ohio Railroad company to the State of Alabama.

Mr. Martin, of Talladega, moved to suspend the consideration of messages from the Senate, in order to take up the bill which was under consideration when the House adjourned.

Lost.

The House concurred in the amendment of the Senate to the House bill, to prevent the sale of spirituous liquors in the village of Clay Hill in Pike county.

The Senate bills :

For the relief of the devisees of the heirs of Jane Barry, deceased ;

To authorize the Governor to issue a patent to east half of south-east fourth, section sixteen, township twenty-two, range twenty-four, on certain conditions therein named ; were severally read, and ordered to a second reading.

The Senate bills :

For the benefit of the estate of Pleasant Hill, deceased, late of Bibb county ;

For the relief of D. W. James, administrator of Alexander Hill, deceased ; were severally read the first time, and under a suspension of the constitutional rule, the same were severally read the second and third times forthwith and passed.

The Senate bill :

For the relief of the deaf and dumb, was read, and the rule being suspended, the same was read the second time forthwith.

Mr. Clayton moved to amend the bill by inserting the word "sum" after "said," in the fourth line of section two. Said amendment was adopted, and under a suspension of the constitutional rule, the said bill as amended, was read the third time and passed.

The engrossed bill :



To amend an act to grant certain powers to the commissioners court of roads and revenue for the county of Lauderdale, and other purposes, approved 31st January, 1846, was read the third time and passed.

The engrossed bill:

To prevent target shooting and cock-fighting within one hundred yards of the public road, was read the third time.

Mr. Brown, of Tuscaloosa, moved to lay the bill on the table.  
Lost.

Yeas 35, nays 49.

Yeas—Messrs. Boatright, Bradley, Brock, Brown of Tuscaloosa, Bulger, Calfee, Clarke, Clayton, Cloud, Coleman, Drummond, Edwards, Goode, Griffin, Harris, Higgins, Jackson, Johnson of Tallapoosa, Little, McCall, McGhee, Murphree of Pike, Nabors, Register, Scarborough, Sheffield, Smith of Jefferson, Smith of Lauderdale, Staton, Talley, Tait, Warren, Williamson Wood and Wright—35.

Nays—Messrs. Speaker, Adams, Aldridge, Allen, Baugh, Bell of Talladega, Bennett, Brewer, Brown of Marion, Caldwell, Chamberlain, Colbert, Cullum, Denman, Dillard, Echols, Espy, Eustace, Flournoy, Hale, Hammonds, Herndon, Holly, Irby, Jeter, Johnston of Perry, Jones, Kennedy, Lesueur, Mabry, Mardis, Martin of Talladega, McRae, Molton, Morgan, Pennington, Reedus, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scott, Smith of Coosa, Smith of Randolph, Stiff, Thompson, Walden and Weaver—49.

And the bill was passed.

Yeas 50, nays 39.

Yeas—Messrs. Speaker, Aldridge, Baugh, Bell of Talladega, Bennett, Brewer, Browder, Brown of Marion, Caldwell, Cary, Chamberlain, Colbert, Dillard, Echols, Espy, Eustace, Flournoy, Hale, Hammonds, Herndon, Hobbs, Holly, Houston, Irby, Jeter, Johnston of Perry, Kennedy, Lesueur, Mabry, Mardis, Martin of Dale, Martin of Talladega, McRae, Molton, Morgan, Murphy of Henry, Neal, Nelson, Pennington, Pynes, Reid, Remson, Richardson of Cherokee, Scott, Smith of Coosa, Smith of Randolph, Stiff, Thompson, Walden and Weaver—50.

Nays—Messrs. Allen, Baskins, Bell of Franklin, Boatright, Bradley, Brock, Brower of Tuscaloosa, Bulger, Clarke, Clayton, Cloud, Coleman, Drummond, Edwards, Goode, Griffin, Harris, Higgins, Jackson, Johnson of Tallapoosa, Majors, McCall, McGhee, Nabors, Parker, Reedus, Register, Scarborough, Sheffield, Slade, Smith of Jefferson, Smith of Lauderdale, Staton, Talley, Tait, Warren, Williamson, Wood and Wright—39.

The engrossed bills:

To authorize the consolidation of stock by the North East and South West Alabama Railroad, and the Wills Valley Railroad company ;

To regulate the appointment and duties of patrols, for Lowndes county ;

To amend the several acts incorporating the town of Florence, in the county of Lauderdale ; were severally read the third time, and passed.

The engrossed bill :

To change the line between Cherokee and DeKalb counties, was read the third time, and the question being shall the bill pass, there were yeas 51, nays 19.

Yeas—Messrs. Baskins, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Brewer, Brown of Marion, Caldwell, Cary, Clayton, Cloud, Colbert, Dillard, Espy, Flournoy, Goode, Harris, Hobbs, Jackson, Jeter, Johnston of Perry, Lesueur, Little, Mardis, Martin of Dale, McCall, McGhee, McRae, Molton, Morgan, Murphree of Pike, Neal, Nelson, Parker, Pynes, Register, Reid, Remson, Richardson of Cherokee, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Stiff, Tait, Thompson, Walden, Williamson, Wood and Wright—51.

Nays—Messrs. Baugh, Bradley, Brock, Bulger, Coleman, Drummond, Griffin, Higgins, Houston, Johnson of Tallapoosa, Kennedy, Mabry, Majors, Nabors, Scarborough, Simpson, Staton, Talley and Warren—19.

The Chair, (Mr. Wood in the chair,) decided that the bill had passed, as two thirds of those who voted, had voted in the affirmative.

The Senate bill :

To dispose of the remaining affairs of the State Bank and Branches, and for other purposes, was read the third time.

Mr. Goode moved to lay the bill on the table.

Lost, and the bill was passed.

The engrossed House bill :

To extend the corporate limits of Salem, Russell county, was read the third time, and passed.

Mr. Williamson, from the committee on Enrolled Bills, to whom was referred the following bills, find them correctly enrolled :

An act to establish a board of physicians in the county of Perry ;

An act to prevent the sale of ardent spirits at or within two miles of the Athens Academy, in the town of Ramah, Montgomery county ;

An act for the relief of James Camp, executor of Joseph Camp, deceased;

An act to prevent gaming among slaves;

An act to incorporate the Cahaba Rifles;

An act in relation to the estate of Wm. Forbes, deceased;

An act to authorize the Governor to issue a patent to Thomas L. Penn, of the county of Chambers;

An act to increase the compensation of the members of the commissioners' court for the county of Pike;

An act for the relief of S. C. Dumas, tax collector of Wilcox county;

An act for the repeal of an act therein named;

An act to amend an act to incorporate the Madison Rifles;

An act for the relief of Joshua Lyon, tax collector of Sumter county;

An act for the relief of John R. Bumpas, of Clarke county;

An act to establish a medical board in Autauga county;

An act to incorporate a Male High School in the town of Moulton, in this State;

An act to compensate returning officers for making election returns, in Baldwin county;

An act to increase the pay of the members of the commissioners' court of roads and revenue, of the county of Covington;

An act for the relief of David C. Webb, of Cherokee county;

An act to exempt burying grounds from sale under execution or other legal process;

An act for the relief of Peter McGhee, late tax collector of Pickens county;

An act to regulate the length of rails or poles for causeways on roads in Montgomery county;

An act to repeal an act therein named, approved February 18th, 1854, so far as the county of Lawrence is concerned;

An act to repeal an act so far as the same relates to Butler county;

An act to repeal an act entitled an act to amend the patrol law in Pickens county;

An act to compensate John W. Clark, of Barbour county;

An act to repeal an act therein named so far as Walker county is concerned, approved February 2d, 1856;

An act to incorporate Hurricane Academy, in Barbour county;

An act to incorporate the Winston Male College;

An act in relation to the estate of Hillary Foster, deceased;

An act for the relief of W. McJohnson, of Marshall county;

An act to cause the county treasurer of Clarke county to be elected by the qualified voters thereof;

An act to change and establish the boundary lines between the counties of Marshall, DeKalb and Jackson;

An act for the relief of Charlotte Ellis, of Greene county;

An act to locate permanently the seat of justice in Marion county;

An act to incorporate the Shelby Lime company;

An act to protect the citizens of Mobile and Baldwin counties in the enjoyment of their oyster beds;

An act to incorporate the town of Rodgersville, in the county of Lauderdale;

An act to incorporate the Franklin Guards;

An act to require certain duties of justices of the peace for the county of Fayette.

The bill:

To amend section 171 of the Code, was read the second time, and on motion of Mr. Brewer, referred to the committee on the Judiciary.

The bill:

To establish and incorporate the Blount County Botanic Medical Board, was read the second time; and,

On motion of Mr. Edwards, the constitutional rule was suspended, and the bill read the third time, and passed.

The bill:

For the relief of S. Melvin, was read the second time, and on motion of Mr. Smith, of Lauderdale, was laid on the table.

The bills:

To amend the law exempting certain property from levy and sale by any legal process;

To substitute and repeal section 2811 of the Code of Alabama; were severally read the second time, and referred to the committee on the Judiciary.

The bill:

To amend the tax law, was read the second time, and referred to the committee on Ways and Means.

The Senate bill:

To repeal certain acts therein named, was read the second time, and referred to the committee on Internal Improvements.

The Senate bill:

For the relief of John E. McCrary, was read the second time, and on motion of Mr. Smith, of Lauderdale, was ordered to lie on the table.

Mr. Murphree, of Pike, moved to suspend the business before the House to enable him to introduce a bill.

Lost.

The Senate bill:

To amend section 3161 of the Code, was read the second time, and referred to the committee on the Judiciary.

The Senate bill :

To lay off the counties into commissioners districts, was read the second time.

Mr. Bulger moved to amend the bill as follows :

*Provided*, The provisions of this act shall not apply to Tallapoosa county.

Mr. Dillard moved to lay the bill and amendment on the table.

When the hour of 5 o'clock arrived, and the House adjourned to 7 o'clock, this evening.

#### EVENING SESSION.

The House met pursuant to adjournment.

Mr. Morgan moved a call of the roll.

The roll was called, and the following members answered to their names, viz :

Messrs. Speaker, Adams, Aldridge, Allen, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Bradley, Brock, Browder, Brown of Marion, Calfee, Cary, Chamberlain, Clarke, Clayton, Denman, Drummond, Echols, Edwards, Espy, Eustace, Griffin, Hale, Herndon, Hobbs, Holly, Irby, Jeter, Johnston of Perry, Jones, Little, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Parker, Powell, Pynes, Register, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Talley, Tait, Thompson, Walden, Warren and Wood—64.

The House resumed the consideration of the bill :

For the relief of persons indebted to the Commercial and Central Banks.

Mr. Nabors moved to amend the bill as follows :

SEC. — *Be it further enacted*, That said banks may signify their consent to receive their bills in payment of the debt sued for, or judgments obtained by giving notice to that effect on the summons or complaint, or by filing said notice in writing with the clerk of the court in which judgment is obtained, and when notice shall be given as herein provided for, the defendant shall not have the benefit of the provisions of this act.

Adopted.

Mr. Echols moved to amend as follows :

*Provided*, That the provisions of this bill shall not apply in

any way whatever, to bills drafted, or checks purchased by Central or Commercial Banks, maturing at points beyond the limits of this State.

Mr. Cullum called the previous question.

Lost.

Yeas 37, nays 44.

Yeas—Messrs. Allen, Baugh, Brewer, Brock, Brown of Marion, Cary, Chamberlain, Clayton, Cullum, Espy, Eustace, Hale, Hammonds, Houston, Johnston of Perry, Lesueur, Little, Martin of Dale, McRae, Nabors, Neal, Parker, Pennington, Pynes, Register, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Talley, Tait and Warren—37.

Nays—Messrs. Speaker, Adams, Aldridge, Bell of Franklin, Boatright, Bradley, Browder, Brown of Tuscaloosa, Bulger, Calfee, Caldwell, Clarke, Denman, Drummond, Echols, Edwards, Griffin, Harris, Herndon, Hobbs, Holly, Irby, Jeter, Johnson of Tallapoosa, Jones, Mabry, Majors, Mardis, Martin of Talladega, McCall, Morgan, Murphree of Pike, Murphy of Henry, Nelson, Powell, Scarborough, Sheffield, Smith of Randolph, Staton, Stiff, Thompson, Walden, Weaver and Wood—44.

Mr. Remson moved the following amendment :

*And be it further enacted,* That the provisions of this act shall be extended to every person or persons, who owe one dollar, more or less in this State.

Mr. Hale moved to lay the amendment offered by Mr. Echols on the the table.

Carried.

Yeas 52, nays 34.

Yeas—Messrs. Aldridge, Allen, Baugh, Bell of Franklin, Brewer, Brock, Brown of Marion, Brown of Tuscaloosa, Cary, Chamberlain, Clayton, Cullum, Drummond, Edwards, Eustace, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Houston, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Lesueur, Little, Majors, Martin of Dale, McRae, Murphree of Pike, Nabors, Neal, Nelson, Parker, Pennington, Pynes, Reedus, Register, Reid, Richardson of Cherokee, Richardson of Monroe, Sheffield, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Talley, Tait, Warren, Wood and Wright—52.

Nays—Messrs. Speaker, Adams, Bell of Talladega, Bennett, Boatright, Bradley, Bulger, Calfee, Caldwell, Clarke, Dillard, Echols, Espy, Hobbs, Holly, Irby, Mabry, Mardis, Martin of Talladega, McCall, Molton, Morgan, Murphy of Henry, Powell,

Remson, Scarborough, Scott, Smith of Coosa, Staton, Stiff, Thompson, Walden, Weaver and Williamson—34.

Mr. Morgan moved to lay the amendment offered by Mr. Remson on the table.

Mr. Johnston, of Perry, moved the previous question.

And the question being, shall the main question be now put? the same was decided in the affirmative.

Yeas 67, nays 20.

Yeas—Messrs. Adams, Aldridge, Allen, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Bradley, Brewer, Brock, Browder, Brown of Marion, Brown of Tuscaloosa, Denman, Drummond, Edwards, Eustace, Goode, Griffin, Hale, Hammond, Harris, Herndon, Houston, Irby, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Lesueur, Little, Mabry, Majors, Martin of Dale, Martin of Talladega, McRae, Morgan, Nabors, Neal, Remson, Parker, Pennington, Pynes, Reedes, Register, Reid, Richardson of Cherokee, Richardson of Monroe, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Talley, Tait, Warren and Weaver—67.

Nays—Messrs. Speaker, Boatright, Bulger, Clarke, Dillard, Echols, Espy, Hobbs, Holly, Mardis, McCall, Molton, Murphree of Pike, Powell, Remson, Scarborough, Thompson, Williamson, Wood and Wright—20.

Mr. Powell moved to adjourn.

The Speaker, (Mr. Smith, of Lauderdale, in the chair,) put the question, and announced the motion to adjourn.

Lost.

Mr. Powell said he had called the yeas and nays upon the motion to adjourn.

Mr. Powell said he would withdraw the call of yeas and nays, and also the motion to adjourn.

Mr. Mardis moved to adjourn.

(Mr. Smith, of Lauderdale, in the chair,) Mr. Speaker decided that as the motion had been made, put and lost, it was not in order for the gentleman from Shelby to move to adjourn, no other business having intervened, from which decision Mr. Powell appealed.

And the question being shall the decision of the chair stand as the decision of the House, the same was decided in the affirmative.

Yeas 57, nays 4.

Yeas—Messrs. Aldridge, Allen, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Brock, Brown of Marion, Brown of Tuscaloosa, Caldwell, Clarke, Clayton, Denman, Drummond,

Edwards, Eustace, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Hobbs, Houston, Jeter, Johnston of Perry, Lesueur, Mabry, Majors, Martin of Dale, Martin of Talladega, McRae, Molton, Morgan, Murphree of Pike, Nabors, Neal, Parker, Pennington, Powell, Pynes, Reedus, Register, Richardson of Cherokee, Richardson of Monroe, Scaborough, Sheffield, Simpson, Slade, Smith of Randolph, Staton, Stiff, Talley, Tait, Weaver and Wood—57.

Nays—Messrs. Echols, Little, Mardis and Nelson—4.

Mr. Martin, of Talladega, moved to suspend the rule requiring the House to adjourn at 9 o'clock.

Mr. Powell rose to debate the motion.

The Speaker, (Mr. Smith, of Lauderdale, in the chair,) decided Mr. Powell out of order.

From which decision Mr. Powell appealed.

Pending which the hour of 9 o'clock arrived, and the House stood adjourned until to-morrow morning, at half past 9 o'clock.

TUESDAY, February 2, 1858.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Petrie.

The journal of yesterday's proceedings was read and approved.

Mr. Staton moved to suspend the regular order of business to enable him to introduce a bill.

Carried.

Mr. Staton then introduced a bill for the payment of certain claims against the State; which was read, and under a suspension of the constitutional rule, the same was read the second time forthwith.

Mr. Johnson, of Tallapoosa, moved to refer the bill to the committee on Accounts and Claims.

Lost.

And under a suspension of the constitutional rule, said bill was read the third time and passed.

Mr. Simpson moved to suspend regular orders of business in order to take up and consider the bill:

For the relief of persons indebted to the Central and Commercial Banks; which bill was under consideration when the House adjourned last evening.

Carried.

The House then proceeded to consider the bill and the question being, shall the main question be now put? the same was decided in the affirmative, and the bill was ordered to be engrossed.

Yeas 69, nays 25.



Yeas—Messrs. Adams, Aldridge, Allen, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskalooza, Cary, Chamberlain, Clayton, Cloud, Colbert, Denman, Drummond, Edwards, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Harris, Houston, Huckabee, Irby, Jackson, Johnston of Perry, Johnson of Tallapoosa, Kennedy, Lesueur, Little, Mabry, Majors, Martin of Dale, Martin of Talladega, McGhee, McRae, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Parker, Pennington, Pynes, Reedus, Register, Reid, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Sheffield, Simpson, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Talley, Tait, Warren and Weaver—69.

Nays—Messrs. Speaker, Baskins, Bradley, Bulger, Calfee, Caldwell, Clarke, Dillard, Echols, Espy, Hobbs, Holly, Jeter, Mardis, McCall, Molton, Powell, Reinson, Smith of Coosa Stiff, Thompson, Walden, Williamson, Wood and Wright—25.

And the bill as amended was ordered to be engrossed.

Mr. Williamson, from the committee on Enrolled Bills, reported the following bills as correctly enrolled:

An act for the relief of James Shepherd Diggs, and Mary Ann Diggs, of Dallas county;

An act to repeal an act therein named, approved February 17th, 1854;

An act to regulate the pay of commissioners for the county of Hancock.

Mr. Flournoy moved to suspend business, &c., to enable him to offer a resolution.

Concurred in.

Mr. Flournoy then offered the following resolution, which was adopted, viz:

*Resolved*, That the use of the Hall of the House be allowed the Rev. Mr. Brownlow, this evening, for the delivery of his lecture on "North and South."

Mr. Bell, of Talladega, moved to reconsider the vote by which the House on yesterday laid on the table the bill for the relief of John E. McCrary.

Said vote was reconsidered.

The question then recurred on the motion to lay the bill on the table, and the same was lost.

Mr. Wood moved to reconsider the vote by which the House on yesterday refused to pass, over the Executive veto, the bill to provide for annual sessions of the General Assembly.

Mr. Echols moved to postpone the further consideration of said motion until Thursday next, at 10 o'clock.

Carried.

Message from the Senate, by Mr. Cain :

Mr. Speaker : The Senate has passed the following bills :

- To prevent the sale of spirituous liquors to slaves by boatmen ;
- To incorporate the Clayton Guards, in Barbour county ;
- To compensate tax assessors for assessing the county taxes for the counties of Choctaw, Lowndes and Autauga ;
- To authorize the trustees of township 14, range 13, to collect notes due said township ;
- To incorporate the Mobile and Point Clear Steamboat company ;
- To change the name of Leah J. Stovall ;
- To authorize the judge of probate in Baldwin county, to keep his office within two miles of the court-house in said county ;
- To incorporate the Bethel Male and Female Academy, in the county of Pike ;
- To create an additional company beat and election precinct in Marshall county ;
- To incorporate the Tallapoosa Mill and Bridge company ;
- For the relief of Champion Farris, tax collector of Marshall county ;
- To provide for the pay of witnesses summoned to attend the circuit courts of Covington county ;
- To incorporate the Eastaboga Academy in Talladega county ;
- To incorporate the Covington County Canal company ;
- For the relief of D. B. Burkhalter, of DeKalb county ;
- To prevent the sale of intoxicating liquors in one mile and a half of the Burnt Corn Academy, at Burnt Corn, in Monroe county ;
- To allow magistrates and constables the same fees in Baldwin county that sheriffs and clerks of the circuit court receive now by law, for like services ;
- To incorporate the Mobile Mechanics Institute ;
- In regard to the Mobile Savings Bank ;
- To change the time for holding the chancery courts for St. Clair county ;
- For the relief of Janett Smith, of Wilcox county ;
- For the relief of the corporation of the town of Greenville ;
- To incorporate the Bellmonte Male and Female Academy ;
- For the relief of Elisha P. Minshew of Cherokee county ;
- To incorporate the Lincoln Male and Female Academy, in Talladega county ;
- To prevent the sale of spirituous liquors within certain limits, amended by Senate ;

To incorporate the Citronelle Female Academy, of Mobile county, amended by Senate;

For the relief of Aaron Green, amended by Senate;

Senate has concurred in the amendment of the House to the Senate amendment to the bill to extend the right of trial by jury before justices.

Mr. Baugh moved to suspend business, &c., to enable him to make a report from the committee on Propositions and Grievances.

Carried.

Mr. Baugh then reported a substitute for the bill to regulate the sale of produce raised or manufactured within this State.

Said substitute was adopted.

Mr. Jones moved to amend the bill by exempting Mobile.

Mr. Dillard: exempting Montgomery.

Mr. Echols: exempting Tuskegee.

Mr. Mabry: by exempting Selma.

Mr. Johnson, of Tallapoosa, moved to lay the amendments on the table.

The hour of 11 o'clock having arrived, the special orders for the hour, were,

On motion of Mr. Baugh, suspended, to proceed with the bill under consideration.

Mr. Mabry moved to amend so as to allow committee on Propositions and Grievances to make a report.

Mr. Nelson, so as to allow committee on Roads, Bridges and Ferries to report.

A division of the question was called, and the question first was on motion to proceed with the consideration of the bill and the same prevailed.

The question then was on the motion to suspend, &c., to allow committee on Propositions and Grievances to report, and the motion was lost.

The question then was upon the motion to suspend, &c., to allow committee on Roads, Bridges, and Ferries to report, and the same was lost.

A division of the question was then called separately and distinctly, and each was lost.

Mr. Baugh called the previous question; and the question being "shall the main question be now put?"

The same was decided in the affirmative.

Yeas 43, nays 40.

Yeas—Messrs. Adams, Baugh, Bell of Talladega, Brewer, Brock, Brown of Marion, Caldwell, Colbert, Denman, Espy, Eustace, Flournoy, Goode, Griffin, Hammonds, Higgins, Huck-

abee, Jackson, Jeter, Johnson of Tallapoosa, Kennedy, Little, Majors, Martin of Dale, Morgan, Pennington, Pynes, Register, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Sheffield, Simpson, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Warren, Weaver and Wright—43.

Nays—Messrs. Speaker, Aldridge, Allen, Baskins, Bennett, Bradley, Bulger, Calfee, Cary, Chamberlain, Clarke, Clayton, Cloud, Coleman, Dillard, Drummond, Echols, Hale, Harris, Herndon, Holly, Houston, Irby, Johnston of Perry, Jones, Mabry, Mardis, Martin of Talladega, McRae, Molton, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Powell, Scarborough, Scott and Slade—40.

Mr. Register moved to reconsider the vote just taken.

The hour of 12 o'clock having arrived, the Senate, by invitation, appeared in the Hall of the House, for the purpose of electing trustees of the University of Alabama, for the third, fifth, sixth and seventh circuits.

The two Houses, in joint convention, proceeded to ballot to fill the vacancy occasioned by the expiration of the term of Daniel E. Watrous, in the third circuit.

Mr. Clitherall placed in nomination the name of John S. Storrs, of Shelby county; and,

Mr. Storrs being alone in nomination, received one hundred and twenty votes, was declared by Mr. Speaker to be duly elected trustee of the University of Alabama, for the third judicial circuit for the term prescribed by law.

The two Houses then proceeded to the election of another trustee, for said circuit.

Mr. Jones, of Greene, placed in nomination the name of James D. Webb, of Greene county, and he being alone in nomination, and having received the whole number of votes, viz: one hundred and twenty, was declared by Mr. Speaker duly and constitutionally elected trustee of the University of Alabama, for the term prescribed by law.

The two Houses, in convention, &c., then proceeded to the election of a third trustee of the University of Alabama, for the said third circuit.

Mr. Herndon placed in nomination the name of N. H. Brown of Tuskalooosa, and,

Mr. Brown being alone in nomination, and having received the whole number of votes cast, viz: one hundred and twenty-four, was declared by Mr. Speaker duly and constitutionally elected trustee of the University of Alabama for the third circuit, for the term prescribed by law.

The two Houses, in convention, then proceeded to ballot for a trustee of the University of Alabama, for the fifth circuit.

Mr. Caldwell placed in nomination the name of Wm. H. Forney, of Calhoun county, and,

Mr. Forney having received a majority of all the votes cast, viz: one hundred and nineteen, was declared by Mr. Speaker, duly and constitutionally elected trustee of the University of Alabama, for the fifth circuit, for the term prescribed by law.

Mr. Holly voted for Mr. Browder.

The two Houses, in convention, then proceeded to ballot for a trustee of the University of Alabama, for the sixth circuit.

Mr. Agee placed in nomination the name of Thos. H. Herndon, of Mobile.

Mr. Herndon received one hundred and nineteen votes.

Messrs. Coleman and Holly voted for Mr. Warren.

Mr. Herndon having received a majority of all the votes cast, was declared by Mr. Speaker duly and constitutionally elected trustee of the University of Alabama, for the sixth circuit for the term prescribed by law.

The House, in convention, then proceeded to ballot for a trustee, for the seventh circuit.

Mr. Clitherall placed in nomination the name of Mr. Stansell.

Mr. Stansell being alone in nomination, received ninety votes.

Messrs. Coleman, Holly and Richardson, of Cherokee, voted for John G. Stokes.

Messrs. Murphy, of Henry, and Smith, of Lauderdale, voted for Mr. Griffin, of Russell.

Mr. Warren voted for Mr. Lindsay.

Mr. Stansell having received a majority of all the votes cast was declared by Mr. Speaker duly and constitutionally elected trustee of the University of Alabama, for the seventh circuit for the term prescribed by law.

And the Senate withdrew to their chamber.

Mr. Bulger moved to suspend business, &c., in order to take up joint resolutions, proposing amendment to the Constitution.

Mr. Goode made the motion to lay on the table the motion of Mr. Bulger, which Mr. Speaker decided to be out of order, as it was a privileged motion, from which decision Mr. Goode appealed, and the question being "shall the decision of the chair stand as the decision of House.

The same was decided in the affirmative.

The motion to suspend prevailed, and said joint resolutions were severally read the second time, and referred to the committee on Constitutional Amendments.

Mr. Jones moved that said committee be instructed to report on to-morrow, at 10 o'clock, A. M.

Mr. Scarborough moved that the committee be instructed to report at 4 o'clock, to-morrow morning.

Lost.

And the motion of Mr. Jones prevailed.

The House resumed the consideration of the bill to regulate the sale of produce raised or manufactured within this State; and,

The question was on the reconsideration of the vote by which the previous question was sustained.

And said vote was reconsidered.

Mr. Jones moved to amend the bill as follows :

*Provided*, That the provisions of this bill shall not apply to products of Mobile, or Baldwin counties offered for sale in the city of Mobile.

Mr. Smith, of Lauderdale, moved to lay the amendment on the table.

Lost.

Said amendment was then adopted.

Mr. Echols moved the following amendment :

*Provided*, That the provisions of this bill shall not extend in any way, whatever, to the by-laws of the incorporation of the town of Tuskegee.

Mr. Baugh moved the previous, and the question being " shall the main question be now put?"

And the same was decided in the affirmative.

Message from the Governor, by Watt Phelan, Esq., private secretary :

Mr. Seaker: His Excellency the Governor has approved of bills, which originated in the House of Representatives, of the following titles :

An act to amend the law in relation to admission to practice in the courts of this State ;

An act to amend an act to change the mode of assessing the tax of Butler county, approved February 7, 1856 ;

An act to authorize the sheriff of Greene and Cherokee counties to summons a bailiff to attend on the chancery, probate and commissioners courts of said counties ;

An act for the relief of Robert W. McKelvy and Lucinda Spain ;

An act for the relief of Emiline R. Goode of Marion county.

The hour of half-past one arrived, and the House adjourned to half-past 3 o'clock, this afternoon.

## AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Baugh moved to suspend the consideration of general orders to proceed with the bill to regulate the sale of produce raised or manufactured within this State.

Mr. Mabry moved to amend so as to allow committees to report.

The House refused to suspend, two-thirds not voting in the affirmative.

Yeas 46, nays 29.

Yeas—Messrs. Adams, Baugh, Bell of Talladega, Bennett, Brewer, Brock, Brown of Marion, Caldwell, Clarke, Denman, Edwards, Espy, Eustace, Flournoy, Griffin, Hammonds, Jackson, Johnson of Tallapoosa, Kennedy, Little, Majors, Martin of Dale, Martin of Talladega, McRae, Morgan, Nabors, Neal, Parker, Pennington, Pynes, Reedus, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Randolph, Statou, Talley, Warren, Weaver and Wright—46.

Nays—Messrs. Speaker, Baskins, Boatright, Bradley, Bulger, Calfee, Dillard, Drummond, Echols, Hale, Harris, Herndon, Hobbs, Holly, Houston, Irby, Johnston of Perry, Jones, Mabry, Mardis, McCall, Molton, Murphy of Henry, Powell, Scott, Stiff, Tait, Thompson and Wood—29.

Mr. Caldwell moved to strike out Benton in the roll, and insert Calhoun.

Message from the Senate by Mr. Cain :

Mr. Speaker: the Senate has originated and passed the following bill :

A bill to be entitled an act to authorize Philip A. Fitts to practice law in all the courts of this State, and ordered the same to the House.

The House severally concurred in the amendments of the Senate to the House bills:

For the relief of Aaron Green;

To prevent the sale of spirituous liquors within certain limits;

To prevent the sale of intoxicating liquors in one mile and a half of Burnt Corn Academy, at Burnt Corn, in Monroe county;

To incorporate the Citronelle Female Academy, of Mobile county.

The engrossed bill :

To repeal certain acts therein named, and to regulate the city and circuit courts of Mobile county, was read the third time.

Mr. Drummond moved to suspend business, &c., to allow se-

lect committee, composed of the delegation from Mobile, to report.

Carried.

Mr. Herndon, from said committee, reported a substitute for the bill to repeal an act therein named, regulating the sessions of the circuit and city courts of Mobile county.

Mr. Drummond moved to lay said report and substitute on the table.

Carried.

Yeas 38, nays 37.

Yeas—Messrs. Aldridge, Allen, Bradley, Browder, Caldwell, Cary, Cloud, Colbert, Dillard, Drummond, Echols, Edwards, Flournoy, Griffin, Holly, Jackson, Johnson of Tallapoosa, Little, Majors, Mardis, Martin of Dale, McCall, McGhee, Molton, Nabors, Neal, Nelson, Register, Richardson of Cherokee, Richardson of Monroe, Scarborough, Simpson, Smith of Coosa, Smith of Lauderdale, Smith of Randolph, Stiff, Tait, Thompson and Warren—38.

Nays—Messrs. Bell of Franklin, Bell of Talladega, Boatright, Brock, Brown of Marion, Brown of Tuskaloosa, Calfee, Chamberlain, Clayton, Coleman, Eustace, Harris, Herndon, Hobbs, Houston, Irby, Jones, Kennedy, Mabry, Martin of Talladega, McRae, Morgan, Murphree of Pike, Murphy of Henry, Parker, Powell, Pynes, Reid, Remson, Scott, Slade, Smith of Jefferson, Talley, Walden, Williamson, Wood and Wright—37.

Mr. Drummond then moved to lay the bill on the table, and the motion prevailed.

Leave of absence was granted to Mr. Lesueur.

The hour of 5 o'clock arrived, and the House adjourned until to-morrow, at half-past 9 o'clock.

WEDNESDAY, February 3, 1858.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Tichenor.

The journal of yesterday's proceedings was read and approved.

Mr. Powell moved to suspend regular order of business to allow him to offer a resolution.

Carried.

Mr. Powell then offered the following resolution, which under the rule, lies over one day, viz :

*Resolved*, That this House will hereafter meet at 7 o'clock, each evening, and adjourn at 9 o'clock.

Mr. Caldwell moved to suspend regular order of business to allow committee on Internal Improvements to report.



Mr. Little moved to amend so as to allow committee on Roads, Bridges and Ferries to report.

Mr. Browder moved to amend so as to take up the bill to stay executions, &c.

A division of the question was called and the question first was on the motion of Mr. Caldwell, and the same prevailed.

The question then was on the motion of Mr. Little, and the same prevailed.

The question then was on the motion of Mr. Browder, and the same was lost.

Yeas 44, nays 47.

Yeas—Messrs. Adams, Aldridge, Allen, Bell of Talladega, Bennett, Boatright, Brock, Browder, Brown of Marion, Bulger, Chamberlain, Clayton, Cloud, Colbert, Coleman, Edwards, Eustace, Flournoy, Goode, Griffin, Hammonds, Jeter, Kennedy, Little, Martin of Dale, McRae, Murphy of Henry, Nabors, Nelson, Parker, Pennington, Pynes, Register, Remson, Richardson of Cherokee, Scarborough, Sheffield, Smith of Coosa, Staton, Stiff, Talley, Tait, Warren and Wright—44.

Nays—Messrs. Speaker, Baskins, Baugh, Bell of Franklin, Bradley, Brewer, Brown of Tuscaloosa, Calfee, Caldwell, Cary, Denman, Dillard, Drummond, Echols, Espy, Hale, Harris, Herndon, Higgins, Hobbs, Holly, Houston, Huckabee, Irby, Jackson, Jones, Mabry, Majors, Mardis, Martin of Talladega, McCall, Molton, Morgan, Neal, Powell, Reedus, Reid, Richardson of Monroe, Scott, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Walden, Weaver, Williamson and Wood—47.

Mr. Caldwell, from the committee on Internal Improvements reported back to the House the bill to accept a grant of lands to the State of Alabama, and to carry into execution the trust conferred upon the State of Alabama, by an act making a grant of lands to the territory of Minesota, in alternate sections, to aid in the construction of certain Railroads in said territory, and granting public lands in alternate sections to the State of Alabama to aid in the construction of a certain Railroad in said State, approved March 3, 1857; and asked to be discharged from the further consideration thereof.

Said report was concurred in, and the bill, on motion of Mr. Brewer, was laid on the table.

Also, reported favorably to the Senate bills:

To incorporate the Marshall and Jackson Counties Railroad company;

To accept a grant of lands to the State of Alabama, and to carry into execution the trust conferred upon the State of Ala-

bama, by an act of Congress, entitled an act making a grant of lands to the territory of Minesota, in alternate sections, to aid in the construction of a certain railroad in said territory, and granting public lands in alternate sections to the State of Alabama to aid in the construction of a certain railroad in said State, approved March 3, 1857;

To amend the charter of the Marion Railroad company, and to extend said road; which bills were severally read the third time under a suspension of the constitutional rule, and passed.

Also, reported favorably to the Senate bill:

To extend the charter of the Winchester and Alabama Railroad.

Mr. Griffin moved to lay the bill on the table, and the motion prevailed.

Mr. Caldwell also reported to the House a substitute for the bill to appropriate a part of the three per cent. fund.

Mr. Flournoy offered the following rule, which lies over one day, viz:

*Resolved*, That hereafter, during the session, no member shall be allowed to speak more than five minutes, and shall not speak more than twice upon any proposition, unless by consent of two thirds of this House.

Message from the Senate, by Mr. Cain:

Mr. Speaker: The Senate has passed the following House bills:

Eleven bills to divorce certain persons therein named, and the bill to divorce John C. Gaulman, was amended by the Senate as there shown, and then passed;

For the relief of defendants in exection in Autauga county, amended;

To reprint certain volumes of the Alabama Reports;

To amend the law in relation to appeals from justices courts;

To amend section 2471 of the Code;

To amend the law as to executors and administrators;

To establish a Medical Board in the county of Pike;

For the relief of J. A. Smith, of Sumter county;

To enable the quartermaster general of Alabama to rent an arsenal;

To incorporate Forest Hill Female Seminary in Talladega county, amended;

To declare George W. Salter a citizen of Monroe county;

For the use of certain persons therein named; amended by Senate;

In reference to school lands belonging to inhabitants of certain townships in this State, located in the States of Arkansas and Louisiana; amended by the Senate;

For the relief of Elijah Woolsey and James S. Bain, of the county of Marshall; amended by the Senate.

The Senate has originated and passed following bills:

Authorizing the Governor to appoint an agent to settle with Jordan & Moore, lessees of the Penitentiary, and to define the laws relative to that institution;

For the distribution of copies of Alabama Reports to registers in chancery;

To amend the charter of the Tuscaloosa Bridge company, approved January 2, 1833;

To compensate certain persons therein named;

To incorporate the North Alabama Mining and Manufacturing company;

To incorporate the Tuscumbia Female Seminary;

For the relief of Ward P. Lay, of Sumter county;

To reorganize the State into judicial circuits;

To repeal an act therein named, relative to Choccolocco creek as a public highway;

To incorporate the Alabama Planters' Steamboat company;

To incorporate the Midway Academy in Barbour county.

Mr. Williamson, from the committee on Enrolled Bills, to whom was referred the following bills, find them correctly enrolled:

An act to enable the quarter master general of Alabama to rent an arsenal;

An act to create an additional company beat and election precinct in Marshall county;

An act to compensate tax assessors for assessing the county taxes for the counties of Choctaw, Lowndes and Autauga.

The hour of half past ten o'clock having arrived, the House proceeded to the consideration of the special order of the hour, it being the report from the committee on Constitutional Amendments:

Mr. Clayton, from the committee on Constitutional Amendments, reported back to the House the joint resolutions proposing amendments to the constitution, introduced by Mr. Martin, of Talladega, amended by the committee as follows:

SECTION 1. *Be it resolved by the Senate and House of Representatives in General Assembly convened, That the following amendments to the Constitution of Alabama are hereby proposed to the people thereof, which, when proposed by two-thirds of each House of the present General Assembly, voted in favor of by a majority of all the citizens of this State voting for representatives, and ratified by two-thirds of each House of the next General Assembly voting thereon by yeas and nays, shall be valid*

to all intents and purposes, as part of the constitution of said State ; *Provided*, That said proposed amendments shall, at each session, have been read three times, in three several days, in each House, to wit :

[The proposed amendments above referred to are not entered on the original journal.—STATE PRINTER.]

SEC. 2. *Be it further resolved*, That all the provisions of chapter seven, title six, part one, of the Code of Alabama, shall be observed by the officers therein named, in the election to be held on these proposed amendments to the constitution, and all the penalties designated in chapter eight of said title shall be enforced against all persons amenable thereto from any act of omission or commission relating to the matters herein contained.

SEC. 3. *Be it further resolved*, That the secretary of state shall cause these joint resolutions and proposed amendments to the constitution, to be published three months before the next general election in one newspaper published in each one of the following places, to wit : Montgomery, Mobile, Tuscaloosa, Huntsville, Eufaula, Jacksonville, Florence, Selma and Talladega.

Mr. Clayton, from the same committee, reported back to the House sundry joint resolutions proposing amendments to the constitution, as follows :

The committee on Constitutional Amendments, to whom was referred the accompanying joint resolutions, proposing amendments to the constitution, have had the same under consideration and instructed me to report them back to the House, with the statement that they have reported favorably to so much of said joint resolutions as meet the views of the whole committee, and ask to be released from the further consideration of the resolutions, herewith returned to the House.

Mr. Goode moved to postpone the consideration of said report until Saturday next, at 10 o'clock, A. M.

Lost, and the report was concurred in.

Yeas 65, nays 17.

Yeas—Messrs. Speaker, Adams, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brock, Browder, Brown of Tuscaloosa, Caldwell, Cary, Clarke, Clayton, Cloud, Colbert, Coleman, Dillard, Drummond, Edwards, Espy, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Hobbs, Huckabee, Irby, Jackson, Johnston of Perry, Jones, Little, Mabry, Majors, Mardis, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Neal, Nelson, Parker, Pennington, Powell, Pynes, Reid, Remson, Scarborough, Scott, Sheffield, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Staton, Thompson, Walden, Wood and Wright—65.

Nays—Messrs. Allen, Brown of Marion, Bulger, Calfee, Denman, Eustace, Holly, Houston, Kennedy, Martin of Dale, Register, Richardson of Cherokee, Simpson, Smith of Randolph, Talley, Tait and Weaver—17.

Mr. Coleman moved to reconsider the vote just taken.

Lost,

Mr. Echols moved to lay the whole subject on the table.

Lost.

Yeas 22, nays 61.

Yeas—Messrs. Brewer, Brock, Brown of Marion, Bulger, Calfee, Coleman, Dillard, Echols, Flournoy, Hammonds, Holly, Houston, Huckabee, Kennedy, Martin of Dale, Register, Remson, Richardson of Cherokee, Simpson and Talley—22.

Nays—Messrs. Speaker, Adams, Baskins, Baugh, Bell of Franklin, Boatright, Bradley, Browder, Brown of Tuskalooza, Caldwell, Cary, Chamberlain, Clarke, Clayton, Denman, Espy, Eustace, Goode, Griffin, Hale, Harris, Hobbs, Irby, Jackson, Johnston of Perry, Johnston of Tallapoosa, Jones, Little, Mabry, Majors, Mardis, Martin of Talladega, McGhee, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Neal, Nelson, Parker, Pennington, Powell, Pynes, Reedus, Reid, Scarborough, Scott, Sheffield, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Walden, Warren, Weaver and Wright—61.

The question then was on the motion to suspend the constitutional rule, so as to give the joint resolutions a third reading forthwith.

Lost.

Message from the Governor, by Watt Phelan, Esq., private secretary :

Mr. Speaker: His excellency the Governor has approved of bills which originated in the House of Representatives, of the following titles:

An act to prevent the sale of ardent spirits at or within two miles of the Athens Academy, in the town of Ramah, Montgomery county ;

An act to incorporate Hurricane Academy, in Barbour county ;

An act to amend the act to incorporate the Madison Rifles ;

An act to establish a Medical Board in Autauga county ;

An act for the relief of Charlotte Ellis, of Greene county ;

An act to change and establish the boundary lines between the counties of Marshall, DeKalb and Jackson ;

An act to locate permanently the seat of justice of Marion county ;

- An act to authorize the Governor to issue a patent to Thomas L. Penn, of Chambers county;
- An act to increase the compensation of the members of the commissioners court for the county of Pike;
- An act for the relief of W. McJohnson, of Marshall county;
- An act to cause the county treasurer of Clarke county, to be elected by the qualified voters thereof;
- An act to incorporate the Franklin Guards;
- An act to require certain duties of the justices of the peace for the county of Fayette;
- An act to incorporate the Winston Male College;
- An act to incorporate the Cahaba Rifles;
- An act to establish a Board of Physicians, in the county of Perry;
- An act for the relief of S. C. Dumas, tax collector of Wilcox county;
- An act to exempt burying grounds from sale under execution or other legal process;
- An act for the relief of Peter McGhee, late tax collector of Pickens county;
- An act to regulate the length of rails or poles for causeways or roads in Montgomery county;
- An act to repeal an act to amend the patrol law in Pickens county;
- An act to incorporate a Male High School in the town of Moulton, in this State;
- An act in reference to the estate of Hillary Foster, deceased;
- An act for the relief of David C. Webb, of Cherokee county;
- An act to increase the pay of the members of commissioners' court of roads and revenue of the county of Covington;
- An act to compensate John W. Clarke, of Barbour county;
- An act to repeal an act therein named, so far as Walker county is concerned, approved February 2d, 1856;
- An act to repeal an act therein named, so far as the county of Lawrence is concerned;
- An act to repeal an act so far as the same relates to Butler county;
- An act to protect the citizens of Mobile and Baldwin counties in the enjoyment of their oyster beds;
- An act for the relief of John R. Bumpas, of Clarke county;
- An act for the relief of Joshua Lyon, tax collector of Sumter county;
- An act to compensate returning officers for making election returns in Baldwin county;
- An act for the repeal of an act therein named;

An act in relation to the estate of William Forbes, deceased ;  
 An act to prevent gaming among slaves ;  
 An act for the relief of James Camp, executor of Joseph  
 Camp, deceased ;

An act to incorporate the town of Rodgersville, in the county  
 of Lauderdale ;

An act to incorporate the Shelby Lime company.

The hour of 12 o'clock, M., having arrived, Mr. Mabry moved  
 to suspend the consideration of general orders, to proceed with  
 the bill to appropriate a part of the three per cent fund.

Carried, and the House proceeded to consider said bill.

Mr. Griffin moved to amend as follows :

*Provided*, That of the sum hereby appropriated to the North  
 East and South West Railroad company, the sum of twenty-five  
 thousand dollars shall be deducted and applied to the construc-  
 tion of the Winchester and Alabama Railroad, so that one hun-  
 dred and seventy-five thousand dollars shall be applied to the  
 first named railroad, and twenty-five thousand dollars shall be  
 applied to the last named railroad.

Mr. Hale moved to lay said amendment on the table, and the  
 motion prevailed.

Yeas 51, nays 13.

Yeas—Messrs. Adams, Baugh, Bell of Talladega, Bradley,  
 Brewer, Brock, Browder, Brown of Tuscaloosa, Caldwell, Cary,  
 Clayton, Coleman, Denman, Espy, Eustace, Goode, Hale, Ham-  
 monds, Herndon, Hobbs, Houston, Huckabee, Irby, Jeter,  
 Johnson of Perry, Jones, Kennedy, Mabry, Mardis, Martin of  
 Dale, Martin of Talladega, McCall, McRae, Morgan, Nabors,  
 Neal, Nelson, Parker, Pennington, Powell, Reedus, Register,  
 Remson, Richardson of Cherokee, Smith of Jefferson, Smith of  
 Lauderdale, Stiff, Warren, Weaver, Williamson and Wood—51.

Nays—Messrs. Speaker, Boatright, Edwards, Griffin, Harris,  
 Holly, Jackson, Pynes, Reid, Scott, Sheffield, Staton and Talley  
 —13.

When the hour of half past one o'clock arrived, and the  
 House stood adjourned until half past three o'clock, P. M.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The House severally concurred in the amendments of the Sen-  
 ate to the House bills :

To prevent the sale of spirituous liquors to slaves by boatmen ;  
 For the use of certain persons therein named ;

For the relief of Elijah Woolsey and James S. Bain, of the county of Marshall;

For the relief of defendants in execution in Autauga county;

To divorce certain persons therein named;

To incorporate Forest Hill Female Seminary, in Talladega county;

In reference to school lands belonging to inhabitants of certain townships in this State, located in the States of Arkansas and Louisiana.

The Senate bill:

To authorize Philip A. Fitts to practice law in all the courts of this State, was read, and the constitutional rule being suspended, the same was read the second and third times forthwith, and passed.

The Senate bills:

To provide for the distribution of copies of Alabama Reports to registers in chancery;

To incorporate the North Alabama Mining and Manufacturing company;

To incorporate the Tusculumbia Female Seminary; were severally read, and ordered to a second reading.

The Senate bill:

To amend the charter of the Tuscaloosa Bridge company, approved January 2, 1833, was read, and the constitutional rule being suspended, the same was read the second time forthwith, and the House refused to suspend the rule, to give the bill a third reading, and the same was ordered to a third reading.

The Senate bill:

To compensate certain persons therein named, was read, and under a suspension of the constitutional rule, the same was read the second time forthwith.

The Senate bill:

For the relief of Ward P. Lay, of Sumter county, was read, and the constitutional rule being suspended, on the motion of Mr. Houston, the same was read the second time forthwith.

Mr. Houston moved a further suspension of the rule, to give the bill a third reading, and the House refused to suspend, four-fifths not voting in the affirmative.

The bill was ordered to a third reading.

The Senate bill:

Authorizing the Governor to appoint an agent to settle with Jordan & Moore, lessees of the penitentiary, and to define the laws relative to that institution, was read, and under a suspension of the constitutional rule, the same was read the second time forthwith, and referred to the committee on the Penitentiary.



The Senate bill :

To reorganize the State into judicial circuits, was read, and on motion of Mr. Warren, laid on the table.

Yeas 46, nays 34.

Yeas—Messrs. Speaker, Baugh, Bell of Franklin, Bell of Talladega, Brock, Brown of Marion, Bulger, Calfee, Caldwell, Coleman, Denman, Edwards, Espy, Griffin, Hammonds, Holly, Houston, Irby, Johnson of Tallapoosa, Kennedy, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McGhee, Neal, Parker, Pennington, Pynes, Reedus, Reid, Remson, Richardson of Cherokee, Sheffield, Simpson, Slade, Smith of Jefferson, Smith of Lauderdale, Staton, Stiff, Talley, Thompson, Warren, Wood and Wright—46.

Nays—Messrs. Adams, Allen, Baskins, Bradley, Browder, Brown of Tuscaloosa, Cary, Chamberlain, Clayton, Colbert, Dillard, Drummond, Echois, Hale, Harris, Herndon, Jeter, Johnston of Perry, Jones, Little, McRae, Molton, Murphree of Pike, Nelson, Powell, Register, Scarborough, Scott, Smith of Coosa, Smith of Randolph, Tait, Walden, Weaver and Williamson—34.

The Senate bill :

To incorporate the Alabama Planters' Steamboat company, was read, and under a suspension of the constitutional rule, the same was read the second time forthwith, and passed.

Mr. Scarborough moved to suspend the business before the House in order to take from the table, and to consider the engrossed bill :

To secure the right of way to owners of swamp lands to drain the same.

The motion prevailed, and the said bill was read the third time.

Mr. Irby moved to amend the bill by way of engrossed ryder, as follows :

*Provided*, That Dallas, Autauga, Marshall, Sumter, Wilcox, Perry, Franklin, Pickens, Jefferson, Cherokee, Tuscaloosa, Madison, Walker, DeKalb, Blount, Limestone, Dale, Choctaw, Talladega, Calhoun, Jackson, St. Clair, Tallapoosa and Greene counties, be exempted from the provisions of this bill.

Mr. Morgan moved to lay the bill and amendment on the table. Lost.

And the engrossed ryder was read three times, and adopted.

Mr. Adams moved to amend by way of engrossed ryder, as follows :

*Provided*, Nothing in this bill shall be construed to prevent the owner of any land through which any ditch cut under the provisions of this bill passes, from recovering damages in any of the courts of this State for any injury resulting from such ditch.

*Provided further,* That no ditch shall be cut through any levee or so near one as to injure the same.

Said engrossed ryder, was read three times, and adopted.

And the hour of five o'clock having arrived, the House adjourned to 7 o'clock this evening.

#### EVENING SESSION.

The House met pursuant to adjournment.

Mr. Powell moved to suspend the regular order of business to take and consider Senate bills in regard to plank roads.

Mr. Mabry moved to suspend, &c., to allow the committee on Propositions and Grievance to report.

Mr. Hammonds moved to suspend &c., to take up certain bills.

A division of the question was called, and the question was first upon the motion to suspend to take up the Senate bill in regard to plank roads, &c., and the same prevailed.

The question then was on the motion to suspend to allow committee on Propositions and Grievances to report, and the same was lost.

Mr. Clayton offered the following rule, which lies over one day, viz:

*Resolved,* That hereafter the several standing committees be instructed to make all their adverse reports in one, and that they be laid on the table without debate, to be called up at any time on motion.

The Senate bill :

To amend an act to incorporate the Marengo Plank or Covered Road company, was read the second time, and the constitutional rule being suspended, the same was read the third time forthwith, and passed.

The Senate bill :

Amendatory of the several plank road charters herein designated, was read the second time.

Mr. Bulger moved to amend the bill by striking out all that relates to the Tallasse Branch Road. Said amendment was adopted.

Mr. Remson moved to amend as follows :

And the provisions of this bill shall not extend to that portion of the road which extends into Talladega county ; which amendment was adopted.

Mr. Simpson moved to lay the bill and amendments on the table.

The motion prevailed.

Mr. Murphree, of Pike, moved to suspend the consideration of messages from the Senate to allow committees to report.  
Carried.

REPORT FROM THE COMMITTEE ON BANKS AND BANKING.

Mr. Walden reported back to the House the bill:

To incorporate the Western Bank of Alabama, amended by the committee as follows:

First, amend the bill by striking out in the 4th line of first section, the words, "city of Tuscaloosa."

Second, amend the bill by string out in the 4th line of rule the second, section 16, the word "fourth," and insert "third;" amend the bill by striking out in the 6th line of the 4th rule, section 16, the word "fifty," and insert "twenty," and recommend the passage of the same as amended.

On motion of Mr. Powell the report was laid on the table.

Mr. Wood, from the same committee, reported back to the House the bill in relation to specie payments by the Mobile Savings company, amended by the committee as follows:

Strike out all after the enacting clause, and insert in lieu thereof, the following:

That the suspension of payments of deposits by the Mobile Savings company, be, and the same is hereby sanctioned upon the condition, that the said company shall resume payments of deposits in full, on or before the 15th day of February, 1858, and continue thereafter to redeem all their liabilities, and pay all their deposits; and upon the further condition that the said company shall, within twenty days after the passage of this act, notify the Governor, in legal form, of their acceptance of the same.

And recommend the passage of the same as amended.

Said amendment was adopted.

Mr. Drummond moved the following amendment:

*Be it further enacted,* That the Mobile Savings company shall make to the comptroller of public accounts, a return once in every year of its true situation, showing the amount of its assets and liabilities, and of what they consist.

SEC. — *Be it further enacted,* That the Governor of the State shall appoint biennially three commissioners, whose duty it shall be to examine the moneys and books of the said Mobile Savings company, and otherwise examine into the condition thereof and make report there on within two months after their appointments. The said company shall furnish all information to said commissioners necessary for an accurate examination, and shall pay said

commissioners four dollars per day each, not exceeding fifteen days each, and the commissioners shall each make affidavit before an acting justice of the peace, that they were not, previous to the time of their visit, communicated to the officers of said savings company, the time when they would visit said company for the purpose of examinations aforesaid, which affidavit shall be filed in the office of the secretary of state; which amendment was adopted, and under a suspension of the constitutional rule, said bill as amended was read the third time, and passed.

Message from the Senate, by Mr. Cain:

Mr. Speaker: The Senate has originated and passed the following bill:

A bill to be entitled an act to invest and dispose of the two per cent. fund, and have ordered the same to be carried forthwith to the House.

Mr. Herndon, from committee on Banks and Banking, reported adversely to the bill:

To prohibit foreign banks from exercising banking privileges in this State.

Said report was concurred in.

#### REPORT FROM THE COMMITTEE ON UNIVERSITY.

Mr. Brown, of Tuscaloosa, reported favorably to the bill:

To transfer certain property to the University of Alabama, and said bill was read the third time, under a suspension of the constitutional rule, and passed.

#### REPORT FROM THE COMMITTEE ON ROADS, BRIDGES AND FERRIES.

Mr. Nelson reported a bill to be entitled an act to repeal an act therein named, approved 2d February, 1856; which was read the second and third times forthwith, and passed.

Also, favorably to the bill requiring certain road duties of W. W. Poole, of Fayette county, and said bill was read the third time under a suspension of the constitutional rule, and passed.

Also, favorably to the bill to amend section 1143 of the Code of Alabama, in relation to apportioners and overseers of public roads.

Mr. Griffin moved to lay the report on the table, and the motion prevailed.

Also, adversely to the bill exempting physicians from road duty.

Said report was concurred in.

Also, reported back the bill to erect a toll bridge across the

Cahaba river, with the statement that the object of the bill is already provided for by law, &c.

Said report was concurred in.

Mr. Baugh moved to suspend to take up Senate message.

Lost.

Mr. Nelson reported favorably to the bill to change the term of office of apportioners in the counties of Greene and Marengo;

To provide for the pay of commissioners of roads and revenue for Coffee county.

And said bills were severally read the third time, under a suspension of the constitutional rule, and passed.

#### REPORTS FROM THE JUDICIARY COMMITTEE.

Mr. Jones reported a substitute for the bill to provide for the presentation of claims to the county of Walker.

Said substitute was adopted, and under a suspension of the constitutional rule, the same was read three times and passed.

Also, favorably to the bill:

To regulate the fees of the judge of probate of Pickens county; and said bill was read the third time under a suspension of the constitutional rule, and passed.

Also, reported a substitute for the bill:

To amend the charter of the city of Selma.

Also, a substitute for the bill:

To amend an act approved January 15, 1844, to consolidate the several acts of incorporation of the city of Mobile, and to alter and amend the same.

Said substitutes were severally adopted, and under a suspension of the constitutional rule, the same were severally read the third time and passed.

Also, reported a substitute for the bill:

To amend section 397 of the Code.

Said substitute was adopted.

Mr. Williams moved to amend by striking out "sixty," and inserting "forty."

Lost.

And said bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Jones moved to suspend the rule requiring the House to adjourn at 9 o'clock.

Carried.

Mr. Jones reported a bill to amend the law as to the president and directors of the board of Steamboat Engineers of Mobile; which was read, and under a suspension of the constitutional

rule, the same was read the second and third times forthwith, and passed.

Also, favorably to the Senate bill :

To authorize the several courts of county commissioners to regulate the pay of jurors.

Mr. Martin, of Talladega, moved to lay the bill on the table, and the motion prevailed.

Also, reported back to the House the Senate bill:

To regulate and define the duties and liabilities of railroad companies in this State; amended by the committee as follows:

Amend first section by inserting at the end of the 9th line the following :

“It shall likewise be his duty to blow the whistle or ring the bell immediately before, and at the time of leaving such depot or stopping place.”

At the end of said section insert the following provision :

“It shall also be his duty on perceiving any obstruction on the track of the road, to use all means in his power, known to skillful engineers, (such as the application of his breaks and the reversal of his engine,) in order to stop his train.”

Strike out the second and third sections and insert in lieu thereof the follow section :

SECTION 2. *Be it further enacted*, That any engineer or other person having the control of the running of a locomotive on any railroad, who shall fail to perform any of the duties required of him by the first section of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than fifty, nor more than one thousand dollars, and imprisonment in the county jail for not more than twelve months, one or both at the discretion of the jury trying the same.

Said amendment was adopted, and the bill as amended, read the third time, under a suspension of the constitutional rule, and passed ; also,

Reported favorably to the Senate bill to amend sections 2313 and 2779, and to repeal section 2314 of the Code, as amended by the committee, by striking out the word “February,” and inserting in lieu thereof the word “July.”

Said amendment was adopted.

Mr. Jones moved the following amendment :

SECTION — *Be it further enacted*, That in the cases mentioned in this act, no witness shall be incompetent to testify on account of any interest in the suit on the record, but his interest may be shown and go to his credibility only.

Mr. Martin, of Talladega, moved to lay the bill and amendments on the table.

Carried.

Yeas 31, nays 26.

Yeas—Messrs. Adams, Baugh, Bell of Talladega, Brewer, Brown of Tuskalooza, Bulger, Calfee, Clayton, Denman, Drummond, Edwards, Espy, Flournoy, Hale, Harris, Houston, Johnson of Tallapoosa, Mardis, Martin of Dale, Martin of Talladega, McRae, Parker, Powell, Scott, Slade, Smith of Jefferson, Smith of Randolph, Staton, Thompson, Weaver, Williamson and Wright—31.

Nays—Messrs. Allen, Baskins, Boatright, Brock, Brown of Marion, Chamberlain, Clarke, Dillard, Eustace, Herndon, Higgins, Jones, Mabry, Majors, Murphree of Pike, Nabors, Neal, Pynes, Reid, Richardson of Cherokee, Scarborough, Simpson, Smith of Coosa, Talley, Walden and Wood—26.

Mr. Jones reported favorably to the bills to amend the law as to pilotage ;

To amend section 1005 of the Code in relation to slaves ;

To extend the jurisdiction of the commissioners' court of DeKalb county, and the constitutional rule being suspended, said bills were severally read the third time, and passed.

Mr. Jones reported back to the House the bill to create an additional term of the chancery court for the 34th district, and asked to be discharged from its further consideration.

Said report was concurred in.

Mr. Higgins moved to amend the bill as follows :

Strike out "first Monday in January next," and insert, "Thursday, before the first Monday in January."

Said amendment was adopted, and the bill as amended, was read the third time, under a suspension of the rule, and passed.

Mr. Jones reported back to the House the bill to amend section 2318 of the Code, amended by the committee as follows : By inserting after the word "church," in the seventh line, the word "district," and recommended its passage as amended.

Said amendment was adopted, and the bill as amended, read the third time, under a suspension of the constitutional rule, and passed.

On motion, the House adjourned till 9½ o'clock, to-morrow morning.

THURSDAY, February 4th, 1858.

The House met pursuant to adjournment.

The journal of yesterday's proceedings was partly read, when on motion, the further reading of the same was suspended.

Mr. Flournoy moved to suspend the call of the counties in order to take up resolutions offered by himself on yesterday.

Mr. Smith, of Lauderdale, moved to amend the motion so as to allow the committee on Accounts and Claims to make a report.

Mr. Griffin: to amend, to allow the committee on the Judiciary.

Mr. Little: to amend, to allow the committee on County Boundaries to report.

The question was first upon the motion to suspend, &c., to take up resolutions.

The same prevailed.

The question then was upon the amendment to allow the committee on the Judiciary to report.

The same prevailed.

The question then was upon the amendment to allow the committee on Accounts and Claims to report.

The motion was lost.

The question then was upon the amendment to allow the committee on County Boundaries to report.

The same prevailed.

Mr. Hobbs moved a further suspension so as to allow committee on Education to make a report.

Mr. Johnson, of Tallapoosa: to allow committee on Propositions and Grievances to report.

Mr. Drummond: to allow committee on Corporations to make certain reports.

The House then proceeded to consider the resolution offered by Mr. Flournoy on yesterday, to-wit:

*Resolved*, That hereafter, during the session no member shall be allowed to speak more than five minutes, and shall not speak more than twice upon any proposition, unless by consent of two thirds of this House.

Mr. Mardis moved to indefinitely postpone the further consideration of said resolution.

Motion was lost.

Mr. Murphree, of Pike, moved to amend the resolution by striking out "five," and inserting "ten."

Mr. Clayton: to amend by inserting after "five," the words, "at any one time."

Mr. Coleman moved the previous question, and the previous question was sustained, and the resolution adopted.

Mr. Brown, of Marion, moved to suspend business, &c., to allow him to introduce a bill.

Carried.



A further suspension was then moved to allow Messrs. Mardis and Murphree, of Pike, to introduce bills.

House refused to suspend.

Mr. Brown, of Mariou, then introduced a bill to be entitled an act, supplemental to an act to locate permanently the seat of justice in Marion county, approved February 2d, 1858; which was read, and the constitutional rule being suspended, the same was read the second and third times forthwith, and passed.

Mr. Caldwell moved to suspend the reports of the committee on the Judiciary, in order to take up Senate message; and also, to take up the bill in regard to the three per cent fund.

The motion prevailed.

The Senate bill:

To repeal an act therein named, relative to Choccolocco creek as a public highway, was read, and the constitutional rule being suspended, the same was read the second time forthwith, and referred to the committee on Internal Improvements.

The Senate bill:

To incorporate the Midway Academy in Barbour county, was read, and the constitutional rule being suspended, the same was read the second and third times, and passed.

The Senate bill:

To invest and dispose of the two per cent fund, was read, and the constitutional rule being suspended, the same was read the second time forthwith.

Mr. Griffin moved the following amendment: "also from Beard's Bluff," after the word "Decatur," in the 7th section of the bill.

Mr. Brown, of Marion, moved the following amendment:

*Be it further enacted*, That the sum of fifty thousand dollars be and the same is hereby appropriated out of any monies belonging to the three per cent fund in the treasury of the State, to promote the survey and construction of the Columbus and Tennessee Valley Railroad: *Provided*, That the money hereby appropriated, shall be subject to the order of the president of said Railroad, and shall be expended exclusively on that portion of said Road which lies within the State of Alabama.

*Provided further*, That the president and board of directors of said Railroad, before drawing said, money shall give sufficient bond and security, to be approved by the Governor, for the faithful application of the same to the objects and purposes herein designated.

Mr. Johnson, of Tallapoosa, moved to lay the bill and amendment on the table. Lost.

Yeas 26, nays 61.

Yeas—Messrs. Speaker, Aldridge, Baskins, Boatright, Bulger, Calfee, Clayton, Colbert, Coleman, Dillard, Echols, Eustace, Flournoy, Holly, Johnson of Tallapoosa, Kennedy, Martin of Dale, McCall, McRae, Murphree of Pike, Murphy of Henry, Pynes, Register, Simpson, Smith of Coosa, Talley and Warren—26.

Nays—Messrs. Baugh, Bell of Franklin, Bell of Talladega, Bennett, Bradley, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskaloosa, Caldwell, Chamberlain, Clarke, Cloud, Denman, Drummond, Edwards, Espy, Griffin, Hale, Hammonds, Harris, Herndon, Higgins, Hobbs, Houston, Huckabee, Irby, Jackson, Johnston of Perry, Jones, Little, Mabry, Majors, Mardis, Martin of Talladega, McGhee, Molton, Morgan, Nabors, Neal, Nelson, Parker, Pennington, Powell, Reedus, Reid, Richardson of Cherokee, Scarborough, Scott, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Tait, Walden, Weaver, Wood and Wright—61.

The question then was upon the adoption of the amendment offered by Mr. Griffin.

Mr. Hobbs moved the following amendment to the amendment of Mr. Griffin, viz.: "Strike out "Decatur on"; which amendment was adopted.

Mr. Clarke moved the following substitute for the amendment of Mr. Hobbs, viz :

Amend the last section by striking out the word "Tennessee," when it occurs, and insert in lieu thereof the following: "Courtland, in the county of Lawrence."

Mr. Smith, of Lauderdale, moved to lay the substitute and amendment on the table.

A division of the question was called, and the question first was on laying the substitute on the table, and the same prevailed.

Yeas 64, nays 16.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Brock, Browder, Brown of Tuskaloosa, Caldwell, Cary, Chamberlain, Cloud, Colbert, Denman, Edwards, Espy, Eustace, Griffin, Hale, Hammonds, Harris, Herndon, Houston, Huckabee, Irby, Jackson, Jeter, Johnston of Perry, Jones, Mabry, Majors, Mardis, Martin of Talladega, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Neal, Nelson, Parker, Pynes, Reedus, Reid, Richardson of Cherokee, Scarborough, Scott, Sheffield, Slade, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Tait, Walden, Weaver, Wood and Wright—64.

Nays—Messrs. Brown of Marion, Clarke, Clayton, Drummond,

Kennedy, Little, Martin of Dale, McGhee, McRae, Pennington, Register, Simpson, Smith of Coosa, Smith of Lauderdale, Warren and Williamson—16.

Mr. Scott moved to reconsider the vote by which the House on Saturday laid on the table the bill amendatory of the several plank road charters herein named.

The motion prevailed, said vote was reconsidered, and the further consideration of the bill, on motion, was postponed to half-past 3 o'clock, P. M.

The hour of 11 o'clock having arrived,

Mr. Hobbs moved to postpone the consideration of special orders, for the House to proceed with the bill under consideration, and the bill in regard to the three per cent. fund.

Mr. Drummond moved an amendment, to allow him to make a report.

Mr. Aldridge moved to amend so as to take up certain Senate bills.

Mr. Martin, of Dale, called the yeas and nays upon the motion to suspend, and the same prevailed.

Yeas 61, nays 21.

Yeas—Messrs. Speaker, Adams, Aldridge, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Bradley, Brown of Marion, Brown of Tuskalooza, Caldwell, Cary, Clarke, Clayton, Colbert, Denman, Dillard, Drummond, Echols, Edwards, Espy, Flournoy, Griffin, Hale, Harris, Herndon, Higgins, Hobbs, Houston, Huckabee, Irby, Jackson, Jeter, Johnston of Perry, Jones, Little, Mabry, Majors, Mardis, Martin of Talladega, McGhee, McRae, Molton, Morgan, Nabors, Neal, Nelson, Parker, Reedus, Reid, Richardson of Cherokee, Scarborough, Scott, Sheffield, Smith of Coosa, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Tait, Thompson, Walden, Wood and Wright—61.

Nays—Messrs. Allen, Boatright, Brewer, Brock, Browder, Bulger, Cloud, Eustace, Hammonds, Holly, Johnson of Tallapoosa, Kennedy, Martin of Dale, McCall, Murphree of Pike, Murphy of Henry, Pynes, Simpson, Smith of Lauderdale, Talley and Warren—21.

The question then was upon the motion to lay on the table the amendment of Mr. Hobbs, and the motion was lost.

Yeas 19, nays 52.

Yeas—Messrs. Adams, Brewer, Bulger, Clayton, Espy, Flournoy, Holly, Johnson of Tallapoosa, Martin of Dale, McRae, Nabors, Neal, Pennington, Pynes, Scarborough, Simpson, Smith of Lauderdale, Talley and Warren—19.

Nays—Messrs. Speaker, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Brown of Marion, Brown

of Tuskaloosa, Caldwell, Chamberlain, Clarke, Colbert, Coleman, Edwards, Eustace, Griffin, Hale, Harris, Herndon, Higgins, Hobbs, Houston, Irby, Jackson, Jeter, Johnston of Perry, Kennedy, Little, Mabry, Majors, Mardis, Martin of Talladega, McCall, McGhee, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nelson, Parker, Reedus, Reid, Scott, Sheffield, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Walden, Williamson and Wright—52.

And said amendment was then adopted.

The question then was upon the amendment offered by Mr. Brown of Marion.

Mr. Brewer moved to lay said amendment on the table.

Mr. Richardson, of Cherokee, moved the previous question, and the same was sustained.

Yeas 55, nays 29.

Yeas—Messrs. Baugh, Bell of Franklin, Bell of Talladega, Bennett, Bradley, Browder, Brown of Tuskaloosa, Caldwell, Chamberlain, Clarke, Clayton, Cloud, Coleman, Drummond, Edwards, Espy, Eustace, Griffin, Hale, Harris, Higgins, Hobbs, Holly, Houston, Huckabee, Irby, Jackson, Jeter, Little, Mabry, Mabry, Majors, Mardis, Martin of Talladega, McGhee, McRae, Morgan, Neal, Parker, Pynes, Reedus, Register, Reid, Richardson of Cherokee, Scott, Sheffield, Slade, Smith of Jefferson, Staton, Stiff, Talley, Tait, Walden, Williamson, Wood and Wright—55.

Nays—Messrs. Speaker, Adams, Aldridge, Allen, Boatright, Brewer, Brock, Brown of Marion, Bulger, Calfee, Cary, Colbert, Denman, Dillard, Flournoy, Johnson of Tallapoosa, Kennedy, Martin of Dale, McCall, Murphree of Pike, Murphy of Henry, Pennington, Scarborough, Simpson, Smith of Coosa, Smith of Lauderdale, Smith of Randolph, Warren, and Weaver—29.

And the bill was then ordered to a third reading.

Yeas 53, nays 33.

Yeas—Messrs. Baugh, Bell of Franklin, Bell of Talladega, Bennett, Bradley, Brock, Brown of Marion, Brown of Tuskaloosa, Caldwell, Chamberlain, Clarke, Cloud, Coleman, Denman, Drummond, Edwards, Espy, Griffin, Hale, Harris, Herndon, Higgins, Hobbs, Houston, Huckabee, Irby, Jackson, Jones, Little, Mabry, Majors, Mardis, Martin of Talladega, McGhee, Morgan, Nabors, Neal, Parker, Reedus, Reid, Richardson of Cherokee, Scott, Sheffield, Slade, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Tait, Walden, Weaver, Wood and Wright—53.

Nays—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Boatright, Brewer, Bulger, Calfee, Cary, Clayton, Dillard, Echols, Eustace, Flournoy, Holly, Jeter, Johnson of Tallapoosa, Ken-

nedy, Martin of Dale, McRae, Murphree of Pike, Murphy of Henry, Nelson, Pennington, Pynes, Register, Scaborough, Simpson, Smith of Coosa, Smith of Lauderdale, Talley and Warren—32.

Mr. Williamson, from committee on Enrolled Bills, to whom was referred the following bills, find them correctly enrolled:

An act to incorporate the Eastaboga Academy, in Lalladega county;

An act for the relief of Janett Smith of Wilcox county;

An act to extend the time for the payment of the balance of the principal of the debt due from the Mobile and Ohio Railroad company to the State of Alabama;

An act to prevent the sale of spirituous liquors in the village of Clay Hill, in Pike county;

An act in regard to the Mobile Savings Bank;

An act for the relief of Champion Farris, tax collector of Marshall county;

An act to incorporate the Bellmonte Male and Female Academy in Sumter county;

An act to incorporate the Tallapoosa Mill and Bridge company;

An act to authorize the trustees of township 14, of range 13, to collect notes due said township;

An act to incorporate the Bethel Male and Female Academy, in the county of Pike;

An act to incorporate the Lincoln Male and Female Academy, in Talladega county;

An act to change the time for holding the chancery courts for St. Clair county;

An act for the relief of the corporation of the town of Greenville;

An act to allow magistrates and constables the same fees in Baldwin county, that sheriffs and clerks of the circuit court receive now by law for like services rendered;

An act to provide for the pay of witnesses summoned to attend the circuit courts of Covington county;

An act to change the name of Leah J. Stovall;

An act to authorize the judge of probate in Baldwin county to keep his office within two miles of the court house in said county;

An act to incorporate the Mobile and Point Clear Steamboat company;

An act for the relief of Elisha P. Minshew, of Cherokee county;

An act for the relief of D. B. Burkhalter, of DeKalb county;

An act to establish jury trials in justices courts;

An act to prevent the sale of spirituous liquors within certain limits;

An act to prevent the sale of intoxicating liquors in one mile and a half of Burnt Corn Academy, at Burnt Corn, in Monroe county;

An act for the relief Aaron Green;

An act to incorporate the Citronelle Female Academy, of Mobile county;

An act to divorce certain persons therein named;

An act to divorce Jeremiah Craft from his wife, Ruth Craft, and to divorce other persons therein named;

An act to divorce Nancy H. Allen from her husband, Julius Allen, and to divorce other persons therein named;

An act to incorporate the Covington County Canal company;

An act to incorporate the Mobile Mechanics' Institute;

Message from the Senate by Mr. Cain:

Mr. Speaker: The Senate has passed the following House bills:

To incorporate the town of Columbiana in the county of Shelby;

To incorporate the town of Maysville in the county of Madison;

To amend an act entitled an act to extend the charter of the Mobile Bank;

To authorize the intendant of the town of Decatur, in the county of Morgan, to subscribe to the capital stock of the Tennessee and Alabama Central Railroad, and for other purposes;

To incorporate the Montevallo Male and Female Collegiate Institute of the Union Synod of the Cumberland Presbyterian Church, of Alabama.

The House then proceeded to the consideration of the bill to appropriate a part of the three per cent. fund.

Mr. Herndon moved the following substitute to the amendment of Mr. Wood, viz:

Strike out the words "two hundred" where they occur in the first and second sections, and insert "one hundred and eighty."

Strike out the words "eighty-seven," where they occur in the first and second sections, and insert in lieu thereof "sixty-two."

SECTION — *Be it further enacted*, That the sum of twenty-five thousand dollars, be and the same is hereby appropriated out of said three per cent. fund for the purpose of clearing out the obstructions to the navigation of the Tennessee River, known as Colbert's shoals, below the town of Florence, on said River.

SECTION — *Be it further enacted*, That Samuel D. Weakley and

John W. McAlister, of the county of Lauderdale; William H. Price and David Deshler, of the county of Franklin; and Hansford Speaks, of the county of Lawrence, be and they are hereby appointed commissioners (any three of whom may act) for the purpose of contracting for the removal of said obstructions, and to them acting as such commissioners, is hereby given and granted full powers and authority to do everything necessary for the completion of the object of this grant. They shall also direct the mode, manner and time of payment of the said sum of money herein appropriated to whosoever shall contract with them to remove said obstructions, and they are hereby authorized to draw on the comptroller of public accounts for the same, who shall draw his warrant on the treasurer for the amount so drawn for by the said commissioners: *Provided*, that twenty per cent. of the value of the work done shall be withheld by said commissioners until said work is completed according to any contract by them made thereto.

Mr. Brewer moved to lay the substitute on the table.

Lost.

Message from the Senate, by Mr. Cain :

Mr. Speaker : The Senate has originated and passed the following bill :

To incorporate the Eastern Bank of Alabama.

The hour of half-past 1 o'clock having arrived, the House adjourned until half-past 3 o'clock, this afternoon.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

The House proceeded to the consideration of the vote by which the House on yesterday laid on the table the bill amendatory of the several plank road charters herein designated, and said vote was reconsidered.

Yeas 53, nays 19.

Yeas—Messrs. Speaker, Adams, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brewer, Brown of Marion, Brown of Tuskalooza, Calfee, Caldwell, Cary, Clarke, Clayton, Colbert, Dillard, Echols, Eustace, Hale, Hammonds, Harris, Herndon, Hobbs, Irby, Jeter, Johnston of Perry, Jones, Kennedy, Little, Mardis, Martin of Talladega, McRae, Molton, Morgan, Murphree of Pike, Parker, Pennington, Powell, Pynes, Reid, Remson, Scott, Slade, Smith of Coosa, Smith of Jefferson, Stiff, Talley, Tait and Weaver—53.

Nays—Messrs. Chamberlain, Coleman, Denman, Drummond, Espy, Flournoy, Goode, Griffin, Higgins, Holly, Johnson of Tal-

lapoosa, Mabry, Martin of Dale, Nabors, Register, Richardson of Cherokee, Simpson, Warren, Wood and Wright—19.

Mr. Bulger moved to amend the bill by striking out all that relates to toll, and inserting the following: "and charge such toll as may, from time to time, be fixed by the court of county commissioners of Coosa county."

Said amendment was adopted, and the bill as amended, read the third time, under a suspension of the constitutional rule, and passed.

Mr. Jones moved to suspend afternoon business so as to call for bills and petitions.

Lost.

Mr. Willmson (by leave) introduced a bill to be entitled an act to regulate the fees of the judge of probate for the counties of Lowndes and Macon; which was read, and under a suspension of the constitutional rule, the same was read the second and third times forthwith, and passed.

Mr. Martin, of Talladega, moved to suspend the business before the House, in order to take from the table certain bills.

Carried.

Mr. Slade moved to suspend, &c., to allow him to introduce a bill.

Carried.

Mr. Molton, moved to suspend, &c., to allow him to introduce a bill.

Carried.

Mr. Murphree, of Pike, moved to suspend, &c., to allow him to introduce a bill.

Carried.

The Senate bill:

To regulate the pay of jurors and witnesses, in the county of Jackson, was taken from the table, read the third time, and passed.

Mr. Slade introduced a bill to consolidate the offices of judge of probate and clerk of the circuitcourt of Washington county; which was read, and the constitutional rule being suspended, the same was read the second and third times forthwith, and passed, and ordered to the Senate.

Mr. Molton introduced a bill to repeal an act therein named; which was read.

Mr. Molton moved to suspend the constitutional rule, to give the bill a second reading forthwith, and,

The House refused to suspend, and the bill was ordered to a second reading.

Mr. Murphree, of Pike, introduced a bill for the relief of



Martin M. Nall, former sheriff of Pike county ; which was read and rule being suspended, the same was read the second time, forthwith.

Mr. Coleman moved to refer the bill to committee on Accounts and Claims.

Lost.

And the bill was read third times, under a suspension, and passed.

Message from the Senate, by Mr. Cain.

Mr. Speaker: The Senate has passed the following House bills:

To regulate the appointment and duties of patrols for Lowndes county ;

To provide for the enclosure and improvements of the grounds of the Alabama Insane Hospital, and to supply the building with furniture.

They have also originated and passed bills :

To compensate the tax assessor of the county of Choctaw ;

An act to repeal an act entitled an act to incorporate the town of Guntersville, in the county of Marshall.

Mr. Jackson moved to suspend business, &c., in order to take up certain Senate bills.

Mr. Staton: to allow committee on Propositions and Grievances to report.

Mr. Houston: to take up resolution in regard to evening sessions.

The question first was upon the motion of Mr. Jackson, and the same prevailed.

The motions of Messrs. Staton and Houston were severally lost.

Mr. Johnston, of Perry, moved to reconsider the vote upon the motion in regard to night sessions, and to lay that motion on the table.

Carried.

The Senate bill :

Requiring the quartermaster general to furnish the Southern Polytechnic Institute, at LaGrange, Franklin county, Alabama, with a stand of muskets, and for other purposes, was read the third time, and passed.

Mr. Clayton moved to suspend business, &c., to take joint resolutions proposing amendments to the Constitution.

Carried.

And the joint resolutions were read the third time, and passed.

Yeas 69, nays 16.

Yeas—Messrs. Speaker, Aldridge, Allen, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brewer, Browder, Brown of Tuscaloosa, Caldwell, Chamberlain, Clarke, Clayton, Colbert, Cullum, Denman, Dillard, Drummond, Edwards, Espy, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Hobbs, Irby, Jeter, Johnston of Perry, Jones, Little, Mabry, Majors, Mardis, Martin of Talladega, McCall, McGhee, McRae, Molton, Morgan, Murphree of Pike, Nabors, Neal, Parker, Pennington, Powell, Pynes, Reedus, Register, Reid, Remson, Scott, Sheffield, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Thompson, Walden, Weaver, Wood and Wright—68.

Nays—Messrs. Brock, Brown of Marion, Bulger, Calfee, Cloud, Coleman, Eustace, Higgins, Holly, Houston, Kennedy, Martin of Dale, Richardson of Cherokee, Simpson, Tait and Warren—16.

Mr. Williamson, from the committee on Enrolled Bills, to whom was referred the following bill, find it correctly enrolled :

~~An~~ act to incorporate the Montevallo Male and Female Col-  
legiate Institute of the Union Synod of the Cumberland Preby-  
terian church of Alabama.

Mr. Staton moved to suspend business, &c., to allow commit-  
tee on Accounts and Claims to make a report.

Mr. Griffin : to allow committee on the Judiciary to report.

Mr. Bulger : to allow committee on Public Printing to re-  
port.

Mr. Drummond : to allow committee on Corporations to re-  
port.

The question was first upon the motion of Mr. Staton.

Carried.

The question then was upon the motion of Mr. Griffin.

Carried.

The question then was upon the motion of Mr. Bulger.

Carried.

The question then was upon the motion of Mr. Drummond.

Lost.

Mr. Staton then reported favorably to the Senate bill for the  
relief of Jefferson Falkner; and, also,

To the bill for the relief of certain persons therein named;  
which bills were severally read the third time, under a suspen-  
sion of the constitutional rule, and passed.

Message from the Senate, by Mr. Cain.

Mr. Speaker: The Senate has passed the following House  
bill:

To change the time of holding some of the chancery courts

of the middle chancery division, and ordered the same forthwith to the House.

Mr. Staton, from the committee on Accounts and Claims, reported a bill in relation to the account of Robert C. Macy, to be entitled an act for the relief of Robert C. Macy.

Said bill was read, and the rule being suspended, the same was read the and thirdsecond times forthwith, and passed.

Mr. Brewer, from the same committee, reported favorably to the Senate bill, for the relief of Wm. P. Ashley, and said bill was read the third time, under a suspension of the rule, and passed.

Mr. Tait moved to adjourn.

Lost.

Mr. Brewer, from the committee on Accounts and Claims, reported favorably to the bill for the relief of Lawrence S. Banks, of the county of Morgan; and said bill was read the third time, under a suspension of the rule, and passed.

Mr. Staton, from the same committee, reported back to the House the bill for the relief of Robert A. McGibony; amended by the committee by striking out "two hundred," and inserting in lieu thereof "one hundred," and recommended its passage as amended.

Said amendment was adopted, and the bill read a third time under a suspension of the constitutional rule, and passed.

Mr. Staton, from the same committee, reported a bill in relation to the account of J. J. Adams, to be entitled an act to compensate J. J. Adams, of Lowndes county, for certain services rendered the State; which was read and the rule being suspended, the same was read the second and third times, and passed.

Also, reported a bill in relation to the account of R. A. McGibony, and E. A. Reinhardt, to be entitled an act for the relief of R. A. McGibony and E. A. Reinhardt; which bill was read, and the rule being suspended, was read the second time forthwith.

Mr. Staton moved the following amendment:

*Be it further enacted,* That the comptroller of public accounts shall draw his warrant on the treasurer in favor of E. A. Reinhardt, for the sum of seventy-two dollars, to be paid out of any money in the treasury not otherwise appropriated.

Said amendment was adopted, and the bill as amended was read the third time under a suspension of the rule, and passed.

Mr. Jones, from the committee on the Judiciary, reported back to the House, the bill for the relief of Russell J. Allen of the county of St. Clair, amended by the committee as follows:

*Provided further,* That the said Allen shall first execute a bond

with two securities, in the full sum of one hundred dollars, payable to the State of Alabama, and conditioned to protect and indemnify the State against all loss or damage on account of the payment of said bill, and recommended its passage as amended.

Said amendment was adopted, the bill read a third time under a suspension of the rule, and passed.

Mr. Staton, from the committee on Accounts and Claims, reported adversely to the bill to allow the jailor of Greene county additional pay for victualing prisoners, and said report was concurred in.

Mr. Clayton moved to suspend business, &c., in order to take up the bill to incorporate the Eastern Bank of Alabama.

Carried.

And said bill was read, and ordered to a second reading.

Yeas 32, nays 22.

Yeas—Messrs. Speaker, Allen, Bell of Talladega, Bradley, Browder, Brown of Tuskalooza, Chamberlain, Clarke, Clayton, Denman, Dillard, Drummond, Echols, Goode, Griffin, Hammonds, Herndon, Hobbs, Holly, Jeter, Jones, Mardis, Martin of Dale, McRae, Murphree of Pike, Pynes, Smith of Coosa, Staton, Walden, Warren, Williamson and Wright—32.

Nays—Messrs. Baskins, Baugh, Brewer, Brock, Brown of Marion, Calfec, Edwards, Espy, Eustace, Harris, Houston, Johnston of Perry, Johnson of Tallapoosa, Kennedy, Mabry, Majors, Reedus, Reid, Richardson of Cherokee, Simpson, Talley and Wood—22.

Mr. Wright moved to suspend business, in order to take up the Senate bill:

For the relief of the Missionary Society of the Cumberland Presbyterian church, at Elyton.

Carried.

And said bill was read the second and third times forthwith, under a suspension of the constitutional rule, and passed.

Mr. Staton, from committee on Accounts and Claims, reported back the Senate bill:

To compensate certain persons therein named, amended by the committee as follows:

SEC. — *Be it further enacted*, That the secretary of the Senate, clerk of the House, assistant secretary of the Senate, assistant clerk of the House, engrossing clerks of the Senate and House, receive and be allowed one dollar, each, in addition to the allowance heretofore made them, for each day which they may have actually served during the present session of the Legislature.

Said amendment was adopted.

Mr. Staton moved to amend the bill by striking out "forty-eight," in the allowance to A. B. Clitherall.

Mr. McRae moved to amend by adding secretary of the Senate.

Adopted; and the bill as amended, was read the third time, under a suspension of the rule, and passed.

Mr. Mardis moved to adjourn.

Carried.

Yeas 27, nays 23.

Yeas—Messrs. Speaker, Baskins, Baugh, Bell of Talladega, Bradley, Bulger, Calfee, Cloud, Denman, Dillard, Echols, Espy, Eustace, Griffin, Jeter, Johnson of Tallapoosa, Kennedy, Majors, Martin of Dale, Reedus, Richardson of Cherokee, Simpson, Smith of Coosa, Staton, Talley, Warren and Wood—27.

Nays—Messrs. Allen, Brown of Marion, Brown of Tuskalooza, Chamberlain, Clarke, Clayton, Drummond, Edwards, Goode, Hammonds, Harris, Herndon, Hobbs, Holly, Houston, Jones, Mardis, McRae, Murphree of Pike, Pynes, Reid, Slade and Walden—23.

And the House adjourned until to-morrow morning, at half past nine o'clock.

FRIDAY, February 5, 1858.

House met pursuant to adjournment.

Prayer by Rev. Mr. Shaver.

The journal of yesterday's proceedings was read and approved.

Mr. Jones moved to suspend the regular order of business to allow the introduction of bills.

Mr. Bulger called the yeas and nays, and the motion to suspend was sustained.

Yeas 52, nays 22.

Yeas—Messrs. Speaker, Adams, Aldridge, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brown of Marion, Brown of Tuskalooza, Caldwell, Chamberlain, Clake, Clayton, Dillard, Echols, Edwards, Flournoy, Hale, Hammonds, Harris, Herndon, Houston, Huckabee, Irby, Johnston of Perry, Jones, Kennedy, Mabry, Majors, Mardis, Martin of Talladega, McCall, McRae, Molton, Murphree of Pike, Pennington, Pynes, Register, Reid, Remson, Scarborough, Sheffield, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Talley, Tait, Thompson, Walden, Weaver, Wood and Wright—52.

Nays—Messrs. Allen, Baskins, Bennett, Brewer, Brock, Bulger, Drummond, Espy, Eustace, Goode, Higgins, Jackson, Johnston of Perry, Johnson of Tallapoosa, Martin of Dale, Morgan,

Neal, Parker, Richardson of Cherokee, Smith of Coosa, Staton, Stiff and Warren—22.

Mr. Dillard introduced a bill to be entitled an act to compensate B. B. Davis, for stationery certified to be bought by the door keeper.

Mr. Jones introduced a bill to be entitled an act to amend an act to incorporate the Mobile and Great Northern Railroad company, approved February 15, 1856; which bills were severally read, and the constitutional rule being suspended, the same were severally read the second and third times forthwith, and passed.

Mr. Pynes introduced joint resolutions of the General Assembly of the State of Alabama, providing for the call of a convention; which were read, and the constitutional rule being suspended, the same were read the second time forthwith, and referred to the committee on Constitutional Amendments.

Mr. Thompson introduced a bill to authorize justices of the peace to hold coroners inquests; which was read.

Mr. Thompson moved a suspension of the rule in order to give the bill a second reading forthwith; and the House refused to suspend.

Mr. Bulger moved to lay the bill on the table, and the motion prevailed.

Mr. Clayton introduced a bill to limit the session of the legislature; which was read.

Mr. Clayton moved a suspension of the rule in order to give the bill a second reading forthwith.

The House refused to suspend.

Mr. Bulger moved to lay the bill on the table.

Lost.

Yeas 4, nays 76.

Yeas—Messrs. Drummond, Herndon, Higgins, Huckabee—4.

Nays—Messrs. Speaker, Aldridge, Allen, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brewer, Browder, Brown of Marion, Brown of Tuscaloosa, Caldwell, Cary, Chamberlain, Clarke, Clayton, Colbert, Denman, Dillard, Echols, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Hobbs, Holly, Houston, Irby, Jackson, Johnston of Perry, Johnson of Tallapoosa, Jones, Little, Mabry, Mardis, Martin of Dale, Martin of Talladega, McCall, McGhee, McRae, Molton, Morgan, Murphree of Pike, Nabors, Neal, Parker, Pennington, Pynes, Reedus, Register, Reid, Remson, Richardson of Cherokee, Scarborough, Sheffield, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Thompson, Walden, Warren, Weaver, Williamson and Wright—76.

Mr. Jackson moved to reconsider the vote by which the House on yesterday ordered to a third reading the Senate bill to invest and dispose of the two per cent. fund.

Also, to reconsider the vote by which the previous question was sustained, and to postpone the motion to reconsider until to-morrow, at 10 o'clock.

And the question was first on motion to postpone the motion to reconsider, and the same was lost.

Yeas 32, nays 51.

Yeas—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Boatright, Brewer, Brock, Bulger, Calfee, Cary, Colbert, Dillard, Drummond, Espy, Eustace, Holly, Jackson, Johnson of Tallapoosa, Kennedy, Martin of Dale, McCall, Murphree of Pike, Pennington, Pynes, Register, Scarborough, Slade, Smith of Coosa, Smith of Lauderdale, Tait and Warren—32.

Nays—Messrs. Baugh, Bell of Franklin, Bell of Talladega, Bennett, Bradley, Browder, Brown of Marion, Caldwell, Clarke, Clayton, Coleman, Cullum, Denman, Edwards, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Higgins, Hobbs, Houston, Huckabee, Irby, Jones, Mabry, Majors, Mardis, Martin of Talladega, McRae, Molton, Morgan, Murphy of Henry, Nabors, Neal, Parker, Reedus, Reid, Remson, Richardson of Cherokee, Scott, Sheffield, Smith of Jefferson, Smith of Randolph, Staton, Talley, Walden Weaver, Wood and Wright—51.

Mr. Caldwell moved to lay the motion of Mr. Jackson to reconsider, &c., on the table.

Carried.

Yeas 48, nays 31.

Yeas—Messrs. Baugh, Bell of Franklin, Bell of Talladega, Bennett, Bradley, Brock, Brown of Marion, Bulger, Caldwell, Clarke, Coleman, Cullum, Denman, Edwards, Espy, Goode, Griffin, Hale, Hammonds, Herndon, Higgins, Hobbs, Houston, Huckabee, Irby, Jeter, Jones, Little, Mabry, Majors, Mardis, Martin of Talladega, McRae, Molton, Morgan, Neal, Parker, Reedus, Reid, Remson, Richardson of Cherokee, Sheffield, Smith of Jefferson, Smith of Randolph, Staton, Walden, Weaver, Wood and Wright—48.

Nays—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Boatright, Brewer, Cary, Colbert, Dillard, Drummond, Eustace, Harris, Holly, Jackson, Johnson of Tallapoosa, Kennedy, Martin of Dale, McCall, Murphree of Pike, Murphy of Henry, Nabors, Pennington, Pynes, Register, Scarborough, Slade, Smith of Coosa, Smith of Lauderdale, Talley and Warren—31.

Mr. Bulger moved to reconsider the vote just taken.

Mr. Caldwell moved to lay the motion, &c., on the table, and the same prevailed.

Yeas 51, nays 20.

Yeas—Messrs. Baugh, Bell of Franklin, Bennett, Bradley, Brock, Brown of Marion, Brown of Tuscaloosa, Bulger, Caldwell, Clarke, Clayton, Coleman, Cullum, Denman, Dillard, Edwards, Espy, Eustace, Goode, Griffin, Hale, Hammonds, Herndon, Higgins, Hobbs, Houston, Huckabee, Irby, Jones, Little, Mabry, Majors, Mardis, Martin of Talladega, McRae, Molton, Morgan, Neal, Reedus, Register, Reid, Remson, Richardson of Cherokee, Sheffield, Smith of Jefferson, Smith of Randolph, Staton, Walden, Weaver, Wood and Wright—51.

Nays—Messrs. Speaker, Adams, Allen, Baskins, Boatright, Brewer, Cary, Jackson, Johnson of Tallapoosa, Kennedy, Martin of Dale, McCall, Murphree of Pike, Murphy of Henry, Pennington, Pynes, Scarborough, Smith of Coosa, Warren and Williamson—20.

Message from the Senate, by Mr. Cain :

Mr. Speaker : The Senate has originated and passed the following bills :

To change and regulate the time of holding the Spring terms of the circuit courts in Madison, Marshall and Jackson counties ;

To incorporate the Cahaba and Tuscaloosa Telegraph company ;

To exempt practising physicians from working on roads ;

Also, the following House bills :

To amend the corporation of Livingston ;

To incorporate the Citronelle and McIntosh Bluff Plank Road company ;

For the relief of W. B. & A. R. Bell ;

To incorporate the State Mutual Insurance company ;

To change time for holding the circuit courts for the counties of Jefferson and St. Clair, and give two weeks to the circuit court of St. Clair county ;

To amend an act to grant certain powers to the commissioners court of roads and revenue, for the county of Lauderdale, and other purposes, approved 31st January, 1846 ;

To amend the charter of the Marion Railroad company, and to extend said road ;

To regulate the times of holding the circuit courts of the counties of Wilcox, Lowndes and Dallas ;

To authorize the consolidation of stock by the North East and South West Alabama Railroad, and the Wills Valley Railroad companies ;



To amend the several acts incorporating the town of Florence in the county of Lauderdale;

To amend section 733 of the Code;

To change the line between Cherokee and DeKalb counties;

To amend the law in relation to sales of cotton by factors in the city of Mobile, amended by the Senate;

To repeal in part an act therein named, so far as it applies to Tallapoosa county;

To regulate the practice in partition suits;

To amend section 1847 of the Code;

To establish the boundary line between the counties of Jefferson and St. Clair;

To provide for the transfer of all matters relating to the school funds from the State Bank and Branches to the office of the superintendent of education;

To compensate John W. Shepherd for services as clerk on the committee on the Judiciary of the House of Representatives;

To authorize the Governor of the State to issue a patent in a certain case;

To authorize S. A. Watson to keep a ferry without license;

To incorporate the Baldwin and Perdido Railroad company;

For the relief of Hester Seaward, administratrix, and John R. Brister, administrator, of the estate of James M. Seaward, deceased;

The bill to provide for the election of state printer, amended by the Senate;

To repeal an act entitled an act to make a loan to the Alabama and Tennessee Rivers Railroad, and Charleston and Memphis Railroad companies, passed January 21, 1856, amended by the Senate;

The Senate has also concurred in the amendments of the House to the Senate bill to dispose of the remaining affairs of the State Bank and Branches, and for other purposes.

Mr. Williamson, from the committee on Enrolled Bills, to whom was referred the following bills, find them correctly enrolled:

An act to divorce certain persons therein named;

An act to declare George W. Salter a citizen of Monroe county;

An act to divorce Reuben B. Franklin from his wife, Nancy Franklin, and to divorce other persons therein named;

An act to amend section 2471 of the Code;

An act to establish a medical board in the county of Pike;

An act to divorce Sarah A. Eustis from her husband, Joseph G. Eustis, and to divorce other persons therein named;

An act to amend the law as to executors and administrators;

An act to prevent the sale of spirituous liquors to slaves by boatmen;

An act to amend an act entitled an act to extend the charter of the Mobile Bank;

An act to divorce certain persons therein named;

An act to divorce certain persons therein named;

An act to divorce Harriet H. Burgess from her husband, Jas. L. Burgess, and other persons therein named;

An act to divorce James R. Sims from Eveline M. Sims;

An act for the relief of J. A. Smith, of Sumter county;

An act to amend the law in relation to appeals from justices courts;

An act for the use of certain persons therein named;

An act to incorporate Forest Hill Female Seminary in Talladega county;

An act to incorporate the Montevallo Male and Female Collegiate Institute of the Union Synod of the Cumberland Presbyterian Church, of Alabama;

An act to incorporate the town of Columbiana, in the county of Shelby;

An act to establish the boundary line between the counties of Jefferson and St. Clair.

Mr. Brown, of Tuscaloosa, moved to suspend business, &c., to take up a certain bill.

Mr. Bulger called the yeas and nays.

Carried.

Yeas 48, nays 19.

Yeas—Messrs. Speaker, Adams, Baskins, Bell of Talladega, Boatright, Bradley, Brewer, Brock, Browder, Brown of Marion, Brown of Tuscaloosa, Calfee, Caldwell, Clarke, Clayton, Coleman, Cullum, Denman, Dillard, Hale, Herndon, Houston, Irby, Jackson, Johnston of Perry, Kennedy, Mardis, Martin of Talladega, McRae, Molton, Murphree of Pike, Murphy of Henry, Nabors, Pennington, Reid, Remson, Scarborough, Sheffield, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Staton, Talley, Thompson, Walden, Weaver, Wood and Wright—48.

Nays—Messrs. Allen, Baugh, Bulger, Edwards, Espy, Eustace, Goode, Hammonds, Holly, Huckabee, Johnson of Tallapoosa, Majors, Martin of Dale, McCall, Register, Richardson of Cherokee, Smith of Randolph, and Stiff—19.

Mr. Martin, of Talladega, moved to suspend business, &c., in order to take up and consider a certain bill in regard to the two and three per cent fund.

Carried.

Yeas 47, nays 27.

Yeas—Messrs. Baugh, Bell of Franklin, Bell of Talladega, Bennett, Bradley, Brock, Browder, Brown of Marion, Brown of Tuskalooza, Bulger, Caldwell, Clarke, Denman, Edwards, Griffin, Hale, Hammonds, Harris, Herndon, Higgins, Hobbs, Houston, Huckabee, Irby, Jones, Little, Mabry, Majors, Mardis, Martin of Talladega, Morgan, Neal, Reedus, Reid, Remson, Scott, Sheffield, Slade, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Thompson, Walden, Weaver, Wood and Wright—47.

Nays—Messrs. Speaker, Adams, Allen, Baskins, Boatright, Calfee, Cary, Drummond, Espy, Eustace, Goode, Holly, Jackson, Johnson of Tallapoosa, Kennedy, Martin of Dale, Murphree of Pike, Murphy of Henry, Nabors, Parker, Pennington, Register, Scarborough, Smith of Lauderdale, Talley, Tait and Warren—27.

Mr. Hale moved to suspend business, &c., to take up a certain bill.

Mr. Bulger called the yeas and nays.

Carried.

Yeas 41, nays 35.

Yeas—Messrs. Baugh, Bell of Franklin, Bell of Talladega, Bennett, Bradley, Brewer, Brown of Marion, Brown of Tuskalooza, Bulger, Caldwell, Clarke, Denman, Edwards, Griffin, Hale, Hammonds, Higgins, Hobbs, Houston, Huckabee, Irby, Jackson, Jones, Mabry, Majors, Mardis, Martin of Talladega, Morgan, Neal, Reedus, Reid, Remson, Sheffield, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Thompson, Walden, Wood and Wright—41.

Nays—Messrs. Speaker, Adams, Aldridge, Allen, Baskins, Boatright, Calfee, Cary, Clayton, Cullum, Dillard, Espy, Eustace, Flournoy, Goode, Harris, Holly, Johnson of Tallapoosa, Kennedy, Martin of Dale, McCall, McRae, Murphree of Pike, Murphy of Henry, Parker, Pennington, Pynes, Register, Richardson of Cherokee, Scarborough, Smith of Coosa, Stiff, Talley, Warren and Weaver—35.

Mr. Bulger moved to reconsider the vote by which the House suspended business, &c., to take up and consider the bill in regard to the two and three per cent fund.

Mr. Higgins moved to lay the motion to reconsider on the table.

Mr. Johnson, of Tallapoosa, called the yeas and nays, and the motion was laid on the table.

Yeas 54, nays 22.

Yeas—Messrs. Aldridge, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Bradley, Brewer, Brock, Browder, Brown of

Marion, Brown of Tuskalooosa, Caldwell, Clarke, Clayton, Coleman, Denman, Edwards, Eustace, Goode, Hale, Hammonds, Harris, Herndon, Higgins, Hobbs, Houston, Huckabee, Irby, Mabry, Majors, Mardis, Martin of Talladega, McRae, Molton, Morgan, Murphy of Henry, Reedus, Reid, Remson, Richardson of Cherokee, Scarborough, Scott, Sheffield, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph. Staton, Stiff, Talley, Thompson, Walden, Weaver, Wood and Wright—54.

Nays—Messrs. Speaker, Adams, Allen, Baskins, Boatright, Bulger, Calfee, Dillard, Holly, Jackson, Johnson of Tallapoosa, Kennedy, Martin of Dale, McCall, Murphree of Pike, Parker, Pennington, Pynes, Register, Smith of Coosa, Tait and Warren—22.

Mr. Register moved to adjourn.

Lost.

Yeas 10, nays 68.

Yeas—Messrs. Speaker, Adams, Bulger, Cary, Dillard, Holly, Johnson of Tallapoosa, Morgan, Register and Tait—10.

Nays—Messrs. Aldridge, Allen, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Bradley, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskalooosa, Calfee, Caldwell, Chamberlain, Clarke, Clayton, Coleman, Cullum, Denman, Edwards, Espy, Eustace, Goode, Griffin, Hale, Hammonds, Harris, Higgins, Hobbs, Houston, Huckabee, Irby, Jackson, Johnston of Perry, Jones, Kennedy, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Murphree of Pike, Murphy of Henry, Parker, Pennington, Pynes, Reedus, Reid, Remson, Richardson of Cherokee, Scarborough, Scott, Sheffield, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Talley, Thompson, Walden, Weaver, Williamson, Wood and Wright—68.

The question was upon the motion of Mr. Clayton, to take up the bill to incorporate the Eastern Bank of Alabama.

The point being made by Mr. Johnston, of Perry, that the gentleman from Tallapoosa, Mr. Bulger, was out of order, as he had consumed the time allowed by the House.

The Chair (Mr. Hobbs in the chair) sustained said point of order, from which decision Mr. Bulger appealed and called the yeas and nays, and the decision of the chair was sustained.

Yeas 71, nays none.

Yeas—Messrs. Adams, Aldridge, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Brock, Brown of Marion, Brown of Tuskalooosa, Bulger, Caldwell, Clarke, Clayton, Colbert, Coleman, Cullum, Denman, Dillard, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Hale, Harris,

Herdon, Higgins, Holly, Houston, Huckabee, Jackson, Johnston of Perry, Johnson of Tallapoosa, Kennedy, Mabry, Majors, Mardis, Martin of Dale, McCall, McGhee, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Pennington, Pynes, Reedus, Register, Reid, Remson, Richardson of Cherokee, Scarborough, Scott, Sheffield, Smith of Coosa, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Talley, Thompson, Walden, Warren, Weaver and Wood—71.

Nays—none.

Mr. Warren moved to adjourn to half past 3 o'clock, P. M.

Mr. Dillard called the yeas and nays.

Lost.

Yeas 9, nays 60.

Yeas—Messrs. Adams, Cary, Dillard, Espy, Eustace, Holly, Johnson of Tallapoosa, Scarborough, Slade—9.

Nays—Messrs. Baugh, Bell of Franklin, Bell of Talladega, Bennett, Bradley, Brewer, Brock, Brown of Marion, Brown of Tuskalooza, Caldwell, Clarke, Clayton, Colbert, Cullum, Denman, Edwards, Goode, Griffin, Hale, Hammonds, Harris, Herdon, Houston, Huckabee, Irby, Jackson, Johnston of Perry, Jones, Kennedy, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Nabors, Parker, Pennington, Reedus, Register, Reid, Remson, Richardson of Cherokee, Scott, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Talley, Tait, Thompson Weaver, Williamson, Wood and Wright—60.

Mr. Bulger moved to reconsider the vote by which the House sustained the decision of the chair.

Mr. Morgan made the point of order, that Mr. Bulger was offering facetious opposition to legislative business.

The Chair (Mr. Hobbs in the chair) decided that the gentleman from Tallapoosa was in order, from which decision Mr. Morgan appealed, and the decision of the chair was sustained.

The question then was upon the motion of Mr. Bulger to reconsider the vote by which the House sustained the decision of the chair, upon the motion of Mr. Johnston, of Perry.

Message from the Senate, by Mr. Cain :

Mr. Speaker: the Senate has originated and passed the following House bills:

To consolidate the offices of judge of probate and clerk of the circuit court of Washington county;

To amend the law as to the president and directors of the board of steamboat engineers of Mobile;

To amend section 1005 of the Code, in relation to slaves.

The Senate has concurred in the amendment of the House to the bill to legalize the suspension of payments by the Mobile Savings company;

Also, to the House amendments to the bill to regulate and define the duties and liabilities of railroad companies;

Also, the amendment of the House to the bill to transfer certain property to the University of Alabama;

To extend the corporate limits of Salem, Russell county;

To authorize James H. Clanton, executor, to erect gates on a certain public road therein named;

An act supplemental to an act to locate permanently the seat of justice of Marion county, approved February 2d, 1858;

Regulating the presentation of claims against Walker county;

Requiring certain road duties of W. W. Pool, of Fayette county;

To create an additional term of the chancery court for the 34th district;

To extend the jurisdiction of the commissioners' court of DeKalb county;

An act to amend an act, approved January 15th, 1844, to consolidate the several acts of incorporation of the city of Mobile, and to alter and amend the same;

To amend the laws as to pilotage;

To repeal certain sections of an act therein named;

To amend the charter of the city of Selma;

To incorporate the town of Union Springs, in Macon county;

An act to amend section 2318 of the Code;

Message from the Governor, by Watt Phelan, Esq., private secretary:

Mr. Speaker: His excellency, the Governor, has approved bills which originated in the House of Representatives of the following titles:

An act to enable the quarter master general of Alabama, to rent an arsenal;

An act to regulate the pay of commissioners for the county of Winston;

An act to repeal an act therein named, approved February 17th, 1854;

An act to create an additional company beat and election precinct in Marshall county;

An act for the relief of James Shepherd Diggs and Mary Ann Diggs, of Dallas county;

Mr. Nabors moved a call of the House.

The call was made, and the following members answered to their names, viz:

Yeas 21, nays 44.

Yeas—Messrs. Speaker, Adams, Baskins, Baugh, Browder, Cary, Coleman, Cullum, Echols, Espy, Eustace, Herndon, Johnston of Perry, Jones, Murphree of Pike, Nabors, Scarborough, Smith of Coosa, Tait and Warren—21.

Nays—Messrs. Aldridge, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brock, Brown of Marion, Brown of Tuska-loosa, Bulger, Chamberlain, Clarke, Clayton, Denman, Edwards, Flournoy, Goode, Griffin, Hale, Hammonds, Harris, Higgins, Hobbs, Houston, Huckabee, Irby, Johnson of Tallapoosa, Majors, Mardis, Martin of Dale, Martin of Talladega, McRae, Molton, Morgan, Murphy of Henry, Pennington, Pynes, Reedus, Reid, Remson, Scott, Simpson, Smith of Jefferson, Smith of Randolph, Stiff, Walden and Wood—44.

The hour of 1½ o'clock arrived, and the House adjourned to 3¼ o'clock, P. M.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Allen moved to suspend the regular order of business to allow the committee on the Penitentiary to report.

Several other motions were made by members to suspend, &c. Said motions were severally lost.

Message from the Senate by Mr. Cain :

Mr. Speaker : The Senate has passed the following House bills :

To regulate the fees of the judges of probate for Lowndes and Macon counties ;

To amend the several acts incorporating the town of Tuscum-bia, in Franklin county.

The Senate refused to concur in the House amendments to the bill to compensate certain persons therein named ;

Also, passed House bill amendatory of proceedings in chan-cery.

The Senate bill :

To compensate the tax assessors of the county of Choctaw, was read, and on motion of Mr. Pennington, laid on the table.

The Senate bills :

To incorporate the town of Guntersville, in the county of Mar-shall ;

To change and regulate the times of holding the Spring terms of the circuit courts in Madison, Marshall and Jackson counties ; were severally read, and under a suspension of the constitutional

rule, the same were severally read the second and third times forthwith and passed.

The Senate bill:

To exempt practicing physicians from working on roads, was read, and on motion of Mr. Flournoy, laid on the table.

The Senate bill:

To change the time of holding the circuit courts for the counties of Jefferson and St. Clair, and to give two weeks to the circuit courts of St. Clair, was read, and on motion of Mr. Warren, laid on the table.

The House severally concurred in the amendments of the Senate, to the bills:

To incorporate the State Mutual Insurance company;

To provide for the election of state printer;

To repeal an act entitled an act to make a loan to the Alabama and Tennessee Rivers Railroad and Charleston and Memphis Railroad companies, passed January 21, 1856;

To amend the law in relation to sales of cotton by factors in the city of Mobile;

To repeal certain sections of an act therein named;

To amend the several acts incorporating the town of Tuscumbia, in Franklin county;

Amendatory of proceedings in chancery.

The House, on motion of Mr. Staton, refused to recede from its amendment to the Senate bill, to compensate certain persons therein named.

Mr. Brewer moved to suspend business, &c., to allow committee on Education to report.

Lost.

The engrossed bill:

To repeal certain acts therein named, and to regulate the city and circuit courts of Mobile county, was read the third time, and on motion of Mr. Herndon, laid on the table.

Yeas 43, nays 27.

Yeas—Messrs. Speaker, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Brock, Browder, Brown of Marion, Brown of Tuscaloosa, Cary, Chamberlain, Clayton, Denman, Eustace, Harris, Herndon, Hobbs, Houston, Irby, Johnston of Perry, Jones, Kennedy, Mabry, Martin of Talladega, McRae, Molton, Murphree of Pike, Murphy of Henry, Pennington, Pynes, Reedus, Reid, Scott, Slade, Smith of Jefferson, Stiff, Talley, Walden, Warren, Weaver, Williamson and Wood—43.

Nays—Messrs. Aldridge, Bradley, Caldwell, Clarke, Cloud, Colbert, Dillard, Drummond, Echols, Edwards, Flournoy, Goode, Griffin, Higgins, Holly, Johnson of Tallapoosa, Little, Majors,



Mardis, Morgan, Register, Remson, Sheffield, Simpson, Smith of Coosa, Thompson and Wright—27.

Mr. Eustace moved to adjourn.

Lost.

The engrossed bill:

For the relief of persons indebted to the Commercial and Central Banks, was read the third time.

Mr. Echols moved to lay the bill on the table.

Lost.

Yeas 20, nays 58.

Yeas—Messrs. Speaker, Bradley, Bulger, Caldwell, Clarke, Cloud, Colbert, Dillard, Echols, Espy, Hobbs, Holly, Mabry, Mardis, Molton, Remson, Thompson, Walden, Wood and Wright—20.

Nays—Messrs. Aldridge, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskalooosa, Calfee, Cary, Chamberlain, Clayton, Coleman, Cullum, Denman, Drummond, Edwards, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Herndon, Higgins, Houston, Irby, Johnston of Perry, Johnson of Tallapoosa, Kennedy, Little, Majors, Martin of Dale, Martin of Talladega, McRae, Murphree of Pike, Murphy of Henry, Pennington, Pynes, Reedus, Register, Reid, Richardson of Cherokee, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Talley, Tait, Warren and Weaver—58.

Mr. Echols moved to suspend the further consideration of the bill until to-morrow, at half past nine o'clock, A. M., and called the yeas and nays.

Lost.

Yeas 19, nays 55.

Yeas—Messrs. Speaker, Baskins, Boatright, Bulger, Caldwell, Clarke, Echols, Espy, Hobbs, Holly, Mabry, Mardis, McCall, Molton, Remson, Thompson, Walden, Wood and Wright—19.

Nays—Messrs. Aldridge, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Brewer, Brown of Marion, Brown of Tuskalooosa, Cary, Chamberlain, Clayton, Colbert, Coleman, Cullum, Denman, Drummond, Edwards, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Herndon, Higgins, Houston, Irby, Johnston of Perry, Johnson of Tallapoosa, Kennedy, Majors, Martin of Dale, McRae, Morgan, Murphree of Pike, Murphy of Henry, Pennington, Pynes, Reedus, Register, Reid, Richardson of Cherokee, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Talley, Tait, Warren and Weaver—55.

Leave of absence was granted to Mr. Smith, of Lauderdale.  
Mr. Caldwell moved to adjourn.

Mr. Drummond called the yeas and nays, and the motion was lost.

Yeas 20, nays 55.

Yeas—Messrs. Speaker, Adams, Baskins, Bell of Talladega, Bradley, Brown of Marion, Bulger, Caldwell, Dillard, Echols, Espy, Eustace, Harris, Holly, Mardis, McCall, Molton, Murphy of Henry, Smith of Coosa, and Thompson—20.

Nays—Messrs. Baugh, Bell of Franklin, Bennett, Brewer, Brock, Brown of Tuskalooza, Chamberlain, Clarke, Clayton, Cloud, Colbert, Cullum, Denman, Drummond, Edwards, Flournoy, Goode, Hale, Hammonds, Herndon, Higgins, Houston, Irby, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Mabry, Majors, Martin of Dale, McRae, Morgan, Murphree of Pike, Pennington, Pynes, Reedus, Register, Reid, Remson, Richardson of Cherokee, Scott, Sheffield, Simpson, Slade, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Talley, Tait, Walden, Warren, Williamson, Wood and Wright—55.

Mr. Thompson moved to adjourn.

Lost.

Yeas 16, nays 54.

Yeas—Messrs. Baskins, Brown of Marion, Clarke, Dillard, Echols, Espy, Johnston of Perry, Mardis, Molton, Murphy of Henry, Richardson of Cherokee, Smith of Coosa, Thompson and Walden—16.

Nays—Messrs. Aldridge, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Brewer, Brown of Tuskalooza, Calfee, Cary, Chamberlain, Clayton, Colbert, Cullum, Denman, Edwards, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Higgins, Hobbs, Houston, Johnson of Tallapoosa, Kennedy, Mabry, Majors, Martin of Dale, Martin of Talladega, McRae, Morgan, Murphree of Pike, Pennington, Pynes, Reedus, Register, Reid, Remson, Scott, Sheffield, Simpson, Slade, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Talley, Warren, Weaver and Wright—54.

Mr. Echols moved to indefinitely postpone the further consideration of the bill, and called the yeas and nays.

Lost.

Yeas 7, nays 60.

Yeas—Messrs. Speaker, Clarke, Dillard, Espy, Mardis, Molton and Wright—7.

Nays—Messrs. Aldridge, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Brewer, Brock, Brown of Marion, Brown of Tuskalooza, Caldwell, Chamberlain, Clayton, Colbert,

Cullum, Denman, Drummond, Echols, Edwards, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Higgins, Hobbs, Houston, Irby, Johnston of Perry, Johnson of Tallapoosa, Kennedy, Mabry, Majors, Martin of Dale, Martin of Talladega, McRae, Morgan, Murphree of Pike, Murphy of Henry, Pennington, Pynes, Reedus, Register, Reid, Remson, Richardson of Cherokee, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Thompson and Warren—60.

Mr. Smith, of Randolph, moved the previous question, and the question being, shall the main question be now put? the same was decided in the affirmative.

Yeas 55, nays 7.

Yeas—Messrs. Baugh, Bell of Franklin, Bell of Talladega, Bennett, Brewer, Brock, Brown of Marion, Brown of Tuscaloosa, Calfee, Caldwell, Cary, Chamberlain, Clayton, Coleman, Denman, Edwards, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Higgins, Houston, Irby, Johnston of Perry, Johnston of Tallapoosa, Kennedy, Mabry, Majors, Martin of Dale, Martin of Talladega, McRae, Morgan, Murphree of Pike, Murphy of Henry, Pennington, Pynes, Reedus, Register, Reid, Richardson of Cherokee, Scott, Sheffield, Slade, Smith of Coosa, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Talley and Weaver—55.

Nays—Messrs. Baskins, Clarke, Dillard, Espy, Mardis, Molton, and Simpson—7.

Mr. Thompson, moved to adjourn.

Lost.

Yeas 7, nays 52.

Yeas—Messrs. Baskins, Brown of Marion, Clarke, Drummond, Mardis, Murphy of Henry and Richardson of Cherokee—7

Nays—Messrs. Aldridge, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Brewer, Brock, Brown of Tuscaloosa, Cary, Chamberlain, Clayton, Colbert, Cullum, Denman, Espy, Eustace, Flournoy, Goode, Griffin, Hale, Hammonds, Harris, Higgins, Irby, Johnston of Perry, Johnson of Tallapoosa, Kennedy, Mabry, Majors, Martin of Dale, Martin of Talladega, McRae, Morgan, Murphree of Pike, Murphy of Henry, Pennington, Pynes, Reedus, Register, Reid, Scott, Sheffield, Simpson, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Talley, Tait, Warren, Weaver and Williamson—52.

And the bill was passed, and ordered forthwith to the Senate.

Mr. Higgins moved to adjourn to half past nine o'clock, tomorrow morning.

Lost.

Mr. Hale moved to adjourn until half past seven o'clock this evening.

Carried.

And the House adjourned until half past 7 o'clock, P. M.

#### NIGHT SESSION.

House met pursuant to adjournment.

#### REPORT FROM THE JUDICIARY COMMITTEE.

Mr. Jones reported back the bill to fix the mode of conveying the estate of husband and wife, and for other purposes, amended by the committee by striking out the word "and," at the end of the sixth line; by inserting after the word "acknowledgment," in the eleventh line, the words "and certified by him," and by inserting after the word "made," in the 19th line, the word "certified;" strike out the second section; and recommended its passage as amended.

Said amendment was adopted.

Mr. Hale moved to amend by striking out the words "heretofore made," and insert in lieu thereof, the words "hereafter to be made."

Lost.

And said bill as amended was read the third time under a suspension of the rule, and passed.

Mr. Jones reported back a bill to regulate sales by the general administrator of Mobile county, and for other purposes, amended by the committee as follows:

Strike out the first, second and fourth sections, and change numbers of remaining sections to correspond; amend the third section by striking out wherever they occur, the words "and general guardian," "guardian," "and guardian," "or ward," "or to his ward;" add the following section:

SEC. 4. *Be it further enacted,* That copies of such maps or plats as may be recorded under the last preceeding section of this act, certified by said judges as recorded, as recorded deeds are now required to be certified, shall be received in evidence and have the same effect as certified copies of recorded deeds.

Which amendment was adopted, and the bill as amended, read the third time, under a suspension of the constitutional rule, and passed.

Mr. Jones reported back the bill:

To incorporate the Mobile and Nicaragua Steamship company, and asked to be discharged from its further consideration.

Said report was concurred in, and the bill was read the third time, under a suspension of the rule, and passed.

Mr. Jones reported back the bill :

To better ascertain the advancements made to legatees or distributees, by the testator, or intestate in his life time, amended as follows :

Amend fourth section by striking out the words "on being notified," in the fifth and sixth lines of said section, and inserting in lieu thereof, the following words, "on whom a citation has been personally served."

Also at the end of said section add the following provision :

And in case any non-resident against whom publication has been made as required by the first and second section of this act, shall fail or neglect to return a report as required, or to answer said application denying that he has any advancements, the court may proceed to take evidence *ex parte* as to matters alleged in such application.

Which amendment was adopted, and the bill as amended was read the third time, under a suspension of the rule and passed.

Mr. Jones reported a substitute for the bill :

To amend section 2419 of the Code of Alabama; which substitute was adopted, and the bill read the third time under a suspension of the constitutional rule, and passed.

Mr. Jones reported a substitute for the bill to regulate proceedings in the probate court and for other purposes.

Mr. Brown, of Marion, moved to lay report on the table.

Lost.

Mr. Hale moved to amend as follows :

*Provided further*, That the provisions of this section shall not apply to any persons holding a claim against an estate until the same becomes due and payable; to come in at the end of third section.

Said amendment was adopted.

Mr. Dillard moved to amend as follows :

*Be it further enacted*, That the provisions of this act shall not apply to Montgomery county; which amendment was adopted, and the substitute was then adopted, and as amended, read the third time under a suspension of the constitutional rule, and passed.

Yeas 46, nays 12.

Yeas—Messrs. Speaker, Allen, Baskins, Bell of Franklin, Bell of Talladega, Bradley, Brewer, Brown of Tuscaloosa, Calfée, Chamberlain, Clarke, Clayton, Denman, Drummond, Ed-

wards, Eustace, Griffin, Hale, Harris, Herndon, Hobbs, Houston, Irby, Johnston of Perry, Jones, Mabry, Mardis, Martin of Dale, Martin of Talladega, McRae, Molton, Morgan, Pynes, Reid, Scott, Slade, Smith of Coosa, Smith of Jefferson, Smith of Randolph, Staton, Tait, Thompson, Walden, Weaver, Williamson, Wood and Wright—46.

Nays—Messrs. Baugh, Brock, Brown of Marion, Dillard, Espy, Hammonds, Higgins, Majors, Richardson of Cherokee, Stiff, Talley and Warren—12.

Mr. Jones reported favorably to the Senate bill:

To regulate the manner and reduce the expenses of advertising the settlements of executors, administrators and guardians; which bill was read the third time, under a suspension of the rule.

Mr. Brown, of Marion, moved to amend as follows:

*And be it further enacted,* That hereafter the judges of the probate courts of the several counties of this State, shall at each term allow a reasonable compensation to such attorney bringing or defending a suit at said term, &c., &c.

Mr. Molton moved to lay the bill and amendment on the table, and the motion prevailed.

Mr. Jones reported favorably to the bill:

To amend section 2462 of the Code; and said bill was read the third time, under a suspension of the rule.

Mr. Drummond moved to lay on the table.

Yeas 23, nays 25.

No quorum voting.

Yeas—Messrs. Bell of Franklin, Bell of Talladega, Bradley, Brock, Brown of Tuskaloosa, Calfee, Chamberlain, Denman, Dillard, Espy, Hale, Herndon, Houston, Mardis, Martin of Dale, Murphree of Pike, Pynes, Richardson of Cherokee, Smith of Randolph, Staton, Walden, Weaver and Wright—23.

Nays—Messrs. Speaker, Allen, Baskins, Baugh, Brown of Marion, Bulger, Clarke, Clayton, Eustace, Griffin, Higgins, Irby, Johnston of Perry, Jones, Mabry, Martin of Talladega, McRae, Register, Scott, Stiff, Talley, Tait, Thompson, Warren and Wood—25.

Mr. Richardson, of Cherokee, moved to adjourn.

Lost.

Mr. Drummond moved a call of the roll.

The same was called, and the following members answered to their names:

Messrs. Speaker, Allen, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brewer, Brock, Brown of Marion, Brown of Tuskaloosa, Bulger, Calfee, Chamberlain,

Clarke, Clayton, Denman, Dillard, Drummond, Edwards, Espy, Eustace, Goode, Griffin, Hale, Hammonds, Harris, Herndon, Higgins, Hobbs, Houston, Irby, Johnston of Perry, Johnson of Tallapoosa, Jones, Mabry, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Molton, Murphree of Pike, Pennington, Pynes, Register, Reid, Richardson of Cherokee, Scott, Smith of Coosa, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Talley, Tait, Thompson, Walden, Warren, Weaver, Williamson, Wood and Wright—64.

Mr. Wood in the chair, Mr. Speaker, moved to spend the business before the House, to allow committee on Constitutional Amendments to report.

Mr. Drummond moved to amend so as to allow committee on Corporations to report.

A division of the question was called, and the question was first on the motion of Mr. Speaker, and the same prevailed.

Mr. — then reported favorably to the joint resolutions proposing to amend article 4, section 23, of the constitution, so as to elect the comptroller and treasurer biennially, and said joint resolutions were read the third time, under a suspension of the constitutional rule, and passed.

Mr. Higgins moved to adjourn.

Lost.

The question then was upon the motion of Mr. Drummond, to suspend, &c., and the same prevailed.

Mr. Drummond reported back the bill to incorporate the trustees of the Providence Infirmary of Mobile, amended by the committee as follows:

Amend by adding at the close of the 4th section:

*Provided*, That the amount of property held by said corporation shall at no time exceed the sum of one hundred thousand dollars; which amendment was adopted, and the bill as amended read the third time, under a suspension of the constitutional rule, and passed.

Mr. Wright moved to suspend business, &c., to take up minority report in regard to altering the size of the counties.

Mr. Walden: to allow committee on Internal Improvements to report.

Mr. Johnston, of Perry: to allow committee on Propositions and Grievances to report.

Mr. Allen: to allow committee on Penitentiary to report.

Mr. Dillard moved to adjourn.

A division of the question was called.

The question first was upon the motion of Mr. Wright, and the same was lost.

The question then was upon the motion of Mr. Walden, and the same was lost.

The question then was upon the motion of Mr. Johnston, of Perry; when,

On motion of Mr. Walden,

The House adjourned until to-morrow morning, at half past nine o'clock.

SATURDAY, February 6, 1858.

House met pursuant to adjournment.

The journal of yesterday's proceedings was being read,

When on motion of Mr. Clayton, the further reading of the same was suspended.

Message from the Senate, by Mr. Cain:

Mr. Speaker: The Senate passed the following House bills:

To incorporate the trustees of Pushmataha School, in the county of Choctaw;

To amend section 2182 of the Code;

For the relief of Russel J. Allen, of the county of St. Clair;

To incorporate the Alabama Fire and Marine Insurance company, of Montgomery;

To establish an election precinct in the county of Lowndes;

To amend section 3568, of the Code of Alabama;

For the relief of W. L. Butler, of Shelby county;

To amend an act to incorporate the Mobile and Great Northern Railroad company, approved February 15, 1856;

For the relief of John L. Pearce, guardian &c.;

To incorporate the Alabama Bible and Colporteur society;

For the relief of Martin M. Nall, former sheriff of Pike county;

To compensate B. B. Davis for stationery certified to be bought by the door keeper.

For the relief of Mary C. Grigsby of Coosa county;

Authorizing the qualified voters of Conecuh county to elect a tax assessor for the term of two years;

To regulate the drawing of the grand jurors of Marion county;

To amend an act to incorporate to Southern Bank of Alabama; amended by the Senate:

To compel the court of county commissioners of Marshall county to levy a special tax for the purpose of paying the grand and petit jurors.

The Senate has concurred in the amendment of the House to the bill amendatory of the several plank road charters herein designated;



Also, in the amendments of the House to the bill to transfer certain property to the University of Alabama.

The Senate has originated and passed the following joint resolutions :

Authorizing the Governor to receive that part of the geological report which has been printed ;

Also, joint resolutions to defray the expenses of the last inauguration ;

Also, a bill :

To amend the charter of the Alabama and Florida Railroad company ;

An act to amend section 1721 of the Code ;

To authorize the South Western Railroad company to extend their railroad from the line of Georgia, at the town of Franklin on the Chattahoochee river, to the city of Mobile, Alabama, and for other purposes ;

To incorporate the Shelby Coal company,

To incorporate the Fayette Male and Female Academy in Talladega county.

In relation to the establishment of a school for township 14, range 10, in Dallas county ; also,

A bill to authorize the corporate authorities of the city of Mobile to aid in the construction of a railroad upon a vote of the citizens.

Mr. Clayton moved to suspend the business before the House in order to take up and consider the Senate bill to incorporate the Eastern Bank of Alabama.

Mr. Sheffield moved to amend said motion so as to take up the bill to authorize the Coosa and Tennessee Rivers Railroad and Alabama and Tennessee Rivers Railroad companies to unite and form one company, &c.

Mr. Pennington : to take up the bill in regard to the three per cent. fund.

Mr. Warren : to reconsider the vote upon the bill in regard to the city and circuit courts of Mobile county.

Lost.

Yeas 31, nays 48.

Yeas—Messrs. Adams, Aldridge, Bradley, Browder, Bulger, Clarke, Clayton, Colbert, Cullum, Dillard, Drummond, Echols, Edwards, Espy, Flournoy, Goode, Hale, Hammonds, Holly, Johnson of Tallapoosa, Kennedy, Mardis, Morgan, Neal, Register, Richardson of Monroe, Scarborough, Sheffield, Smith of Randolph, Thompson and Warren—31.

Nays—Messrs. Speaker, Allen, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Brewer, Brock, Brown

of Marion, Brown of Tuscaloosa, Calfee, Chamberlain, Denman, Eustace, Harris, Herndon, Higgins, Hobbs, Houston, Irby, Jeter, Johnston of Perry, Jones, Mabry, Majors, Martin of Dale, Martin of Talladega, McCall, McRae, Murphree of Pike, Murphy of Henry, Pennington, Pynes, Reid, Richardson of Cherokee, Scott, Slade, Smith of Jefferson, Stiff, Talley, Tait, Walden, Weaver, Williamson, Wood and Wright—48.

Mr. Bulger called a division of the question.

And the question first was upon the motion of Mr. Clayton, and the same prevailed.

The question then was upon the motion of Mr. Sheffield.

Mr. Bulger moved to lay the motion on the table.

Carried.

The question then was upon the motion of Mr. Pennington.

Mr. Bulger moved to amend so as to allow him to introduce a bill to extend the charter of the railroad from Opelika to Oxford.

Mr. Bulger moved to lay on the table.

Mr. Pennington moved to postpone the further consideration of the motion made by himself until 12 o'clock, M.

Carried.

The House then proceeded to the consideration of the Senate bill to incorporate the Eastern Bank of Alabama.

The bill was read the second time.

Mr. Johnson, of Tuscaloosa, moved the following amendment:

*Provided*, That no stockholder of said Bank shall be permitted to owe said Bank, either directly or indirectly, at any time, more than half the amount of stock owned, and actually paid for: *Provided*, that the provisions shall not apply to stockholders owning less than twenty thousand in said Bank.

Mr. Echols moved to lay on the table.

The hour of 12 o'clock, M., having arrived,

Mr. Pennington moved to suspend the consideration of the special orders, it being his motion to suspend, &c., to proceed with the business of the House.

Carried.

Message from the Governor, by Watt Phelan, Esq., private secretary.

Mr. Speaker: His excellency, the Governor, has approved bills which originated in the House of Representatives, of the following titles:

An act to compensate tax assessors for assessing the county taxes for the counties of Choctaw, Coosa, Lauderdale and Autauga;

An act to incorporate the Mobile and Point Clear Steamboat company ;

An act to divorce Harriett H. Burgess from her husband, Jos. L. Burgess, and other persons therein named ;

An act to amend section 2471 of the Code ;

An act to divorce certain persons therein named ;

An act for the relief of Aaron Greene ;

An act to incorporate the Citronelle Female Academy, in Mobile county :

An act to divorce certain persons therein named ;

An act in regard to the Mobile Savings Bank ;

An act to divorce Sarah A. Eustis from her husband, Joseph G. Eustis, and to divorce other persons therein named ;

An act to amend the law as to executors and administrators ;

An act to allow magistrates and constables the same fees in Baldwin county that sheriffs and clerks receive now by law for like services rendered ;

An act to establish the boundary lines between the counties of Jefferson and St. Clair ;

An act to provide for the pay of witnesses summoned to attend the circuit court of Covington county ;

An act to establish jury trials in justices courts ;

An act to divorce Jeremiah Craft from his wife, Ruth Craft, and to divorce other persons therein named ;

An act to divorce Nancy H. Allen from her husband, Julius Allen, and to divorce other persons therein named ;

An act to prohibit the sale of spirituous liquors within certain limits ;

An act to declare George W. Salter acitizen of Monroe county ;

An act to authorize the trustees of township 14, of range 13, to collect notes due said township ;

An act to incorporate the Bethel Male and Female Academy, in the county of Pike ;

An act to incorporate the Lincoln Male and Female Academy in Talladega county ;

An act to incorporate the Bellmonte Maie and Female Academy in Sumter county ;

An act to divorce Reubin B. Franklin from his wife, Nancy Franklin, and to divorce other persons therein named ;

An act to divorce certain persons therein named ;

An act for the relief of J. A. Smith, of Sumter county ;

An act to divorce James R. Sims from Eveline M. Sims ;

An act to incorporate the Tallapoosa Mill and Bridge company ;

An act for the relief of Champion Farris, tax collector of Marshall county ;

An act to incorporate the Covington County Canal company ;

An act to incorporate Forrest Hill Female Seminary in Talladega county ;

An act for the relief of the corporation of the town of Greenville ;

An act for the relief of Janett Smith, of Wilcox county ;

An act to incorporate the Eastaboga Academy in Talladega county ;

An act to authorize the judge of probate in Baldwin county to keep his office within two miles of the court house in said county ;

An act to extend the time of the payment of the balance of the principal of the debt due from the Mobile and Ohio railroad company to the State of Alabama ;

An act for the relief of D. B. Buckhalter, of DeKalb county ;

An act for the relief of Elisha Minshew, of Cherokee county ;

An act to amend the law in relation to appeals from justices courts ;

An act to establish a medical board in the county of Pike ;

An act to amend an act entitled an act to extend the charter of the Mobile Bank ;

An act to divorce certain persons therein named ;

An act for the use of certain persons therein named ;

An act to incorporate the Montevallo Male and Female Collegiate Institute of the Union Synod of the Cumberland Presbyterian church of Alabama ;

An act to change the time of holding the chancery courts of St. Clair county ;

An act to prevent the sale of spirituous liquors to slaves by boatmen ;

An act to prevent the sale of intoxicating liquors in one mile and a half of Burnt Corn Academy, at Burnt Corn, in Monroe county ;

An act to incorporate the Mobile Mechanics' Institute ;

An act to incorporate the Clayton Guards in Barbour county ;

An act to incorporate the town of Columbiana, in the county of Shelby.

Message from the Senate, by Mr. Cain :

Mr. Speaker : The Senate has originated and passed the following bill :

To alter and amend the charter of the town of Camden, in Wilcox county ; also,

House bill :

To prevent nuisances and illegal trafficking with slaves; also, Joint resolutions, approved February 3, 1858, in reference to the settlement of the account of the late secretary of state, Vincent M. Benham, to the present incumbent, James H. Weaver; also,

House bill :

To render the license laws for retailing spirituous liquors more efficient, amended by the Senate.

Veto message from the Governor, by Watt Phelan, Esq., private secretary :

Mr. Speaker : I herewith return to the House, in which they originated, without the approval of the Governor, and with his objections thereto, bills of the following titles :

A bill to be entitled an act to prevent the sale of spirituous liquors in the village of Clay Hill, in Pike county ;

A bill to be entitled an act to change the name of Leah H. Stovall.

Message from the Governor :

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., 6th Feb., 1858. }

*Gentlemen of the House of Representatives :*

The bill to be entitled an act to prevent the sale of spirituous liquors in the village of Clay Hill, in Pike county, which originated in the House of Representatives, is herewith respectfully returned without my signature.

The bill does not prevent spirituous liquors to be sold for medical purposes. Had it contained an exception permitting it to be sold when necessary for medical purposes, it would have received my sanction ; but, as its provisions amounts to an entire prohibition of the sale of spirituous liquors for any purpose, I am compelled to withhold my sanction.

Respectfully,

A. B. MOORE.

Message from the Governor :

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., 6th Feb. 1858. }

*Gentlemen of the House of Representatives :*

The bill to be entitled an act to change the name of Leah H. Stovall, is respectfully returned without my signature. The object intended to be accomplished is provided for in section 670 and 10th clause of the Code. The power to change the names of persons was given to the courts of probate for the purpose of

relieving the State from the expenses and trouble of this character of local legislation. It is a provison, and the rights and powers of the probate court should not be invaded, and the objects of a wholesome law defeated.

For this reason I have declined to sign the bill.

Respectfully,

A. B. MOORE.

The question then was upon the adoption of the amendment of Mr. Johnson, of Tallapoosa.

Mr. Irby moved to indefinitely postpone the further consideration of the bill and amendment; which motion was lost.

Yeas 34, nays 50.

Yeas—Messrs. Speaker, Baskins, Brewer, Brock, Brown of Marion, Cary, Coleman, Cullum, Espy, Eustace, Griffin, Hammonds, Harris, Holly, Irby, Johnston of Perry, Kennedy, Mabry, Majors, Neal, Pennington, Reid, Richardson of Cherokee, Scott, Sheffield, Simpson, Smith of Jefferson, Smith of Randolph, Stiff, Talley, Tait, Warren, Wood and Wright—34.

Nays—Messrs. Adams, Aldridge, Allen, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Bradley, Browder, Brown of Tuskalooza, Bulger, Caldwell, Chamberlain, Clarke, Clayton, Cloud, Colbert, Denman, Dillard, Echols, Goode, Hale, Herndon, Hobbs, Houston, Huckabee, Jeter, Johnson of Tallapoosa, Jones, Little, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Pynes, Register, Remson, Scarborough, Smith of Coosa, Staton, Thompson, Weaver and Williamson—50.

Mr. Wood moved that when the House adjourn, it adjourn to meet at half-past 3 o'clock, P. M.

Carried.

Mr. Bennett moved the previous question, and the question being "shall the main question be now put?"

The same was sustained.

Yeas 47, nays 36.

Yeas—Messrs. Aldridge, Baugh, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Brock, Browder, Brown of Tuskalooza, Bulger, Caldwell, Clarke, Clayton, Cloud, Colbert, Coleman, Denman, Dillard, Echols, Edwards, Flournoy, Goode, Hobbs, Holly, Jeter, Johnson of Tallapoosa, Mabry, Majors, Mardis, Martin of Dale, McCall, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Neal, Pynes, Richardson of Cherokee, Sheffield, Slade, Smith of Coosa, Thompson, Walden, Weaver and Williamson—46.

Nays—Messrs. Speaker, Allen, Baskins, Bell of Franklin, Brown

of Marion, Chamberlain, Cullum, Espy, Eustace, Griffin, Hale, Hammonds, Harris, Herndon, Houston, Huckabee, Irby, Jones, Martin of Talladega, Pennington, Reid, Remson, Scarborough, Scott, Simpson, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Talley, Tait, Warren, Wood and Wright—34.

And the bill was ordered to a third reading.

Yeas 45, nays 35.

Yeas—Messrs. Adams, Aldridge, Allen, Baugh, Bell of Talladega, Boatright, Bradley, Browder, Brown of Tuskalooza, Bulger, Caldwell, Cary, Chamberlain, Clarke, Clayton, Colbert, Dillard, Echols, Flournoy, Goode, Hale, Herndon, Hobbs, Jeter, Johnson of Tallapoosa, Jones, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Pynes, Remson, Slade, Smith of Coosa, Staton, Thompson, Walden, Weaver, Williamson and Wright—45.

Nays—Messrs. Speaker, Baskins, Bennett, Brewer, Brock, Brown of Marion, Calfee, Coleman, Cullum, Denman, Edwards, Espy, Eustace, Griffin, Hammonds, Harris, Holly, Houston, Irby, Johnston of Perry, Mabry, Majors, Pennington, Reid, Richardson of Cherokee, Scott, Sheffield, Simpson, Smith of Jefferson, Smith of Randolph, Stiff, Talley, Tait, Warren and Wood—35.

Mr. Cullum moved to adjourn.

Lost.

Yeas 34, nays 34.

Yeas—Messrs. Speaker, Adams, Aldridge, Bell of Talladega, Boatright, Brock, Browder, Bulger, Chamberlain, Cloud, Colbert, Cullum, Denman, Dillard, Echols, Espy, Eustace, Hobbs, Johnson of Tallapoosa, Majors, Martin of Dale, Molton, Murphree of Pike, Murphy of Henry, Pennington, Reid, Simpson, Smith of Coosa, Smith of Randolph, Talley, Tait, Thompson, Warren and Weaver—34.

Nays—Messrs. Baugh, Bell of Franklin, Bennett, Brewer, Brown of Marion, Caldwell, Clarke, Clayton, Drummoud, Edwards, Flournoy, Goode, Griffin, Hale, Harris, Herndon, Houston, Johnston of Perry, Jones, Mabry, Mardis, Martin of Talladega, McRae, Morgan, Remson, Richardson of Cherokee, Scott, Sheffield, Smith of Jefferson, Staton, Walden, Williamson, Wood and Wright—34.

The hour of 12 o'clock arrived, and on motion, the House adjourn to 3½ o'clock, P. M.

## AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Johnston, of Perry, moved to suspend business, &c., to allow the committee Divorce and Alimony to make a report.

Carried.

Mr. Baugh moved to suspend, &c., to take up a certain bill.

Lost.

Mr. Johnston, of Perry, then reported a bill to divorce Margaret E. Herd, from her husband, Joseph M. Herd, and to divorce other persons therein named; which bill was read, and the constitutional rule being suspended, the same was read the second and third times forthwith, and passed.

The House proceeded to consider the veto message of the Governor, it being the bill to prevent the sale of spirituous liquors in the village of Clay Hill, in Pike county.

And the question being shall the bill pass notwithstanding the executive veto.

The same was lost.

Yeas none, nays 65.

Nays—Messrs. Speaker, Adams, Baugh, Bell of Franklin, Bell of Talladega, Boatright, Bradley, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskaloosa, Bulger, Calfee, Chamberlain, Clarke, Cloud, Coleman, Cullum, Denman, Dillard, Drummond, Edwards, Espy, Eustace, Griffin, Hammonds, Holly, Houston, Huckabee, Irby, Johnston of Perry, Jones, Kennedy, Little, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, Molton, Morgan, Murphy of Henry, Neal, Pennington, Pynes, Register, Reid, Remson, Richardson of Cherokee, Scott, Sheffield, Simpson, Smith of Coosa, Smith of Randolph, Staton, Stiff, Talley, Tait, Wadlen, Warren, Weaver, Williamson, Wood and Wright—65.

The House then proceeded to the consideration of the next veto message from the Governor, it being the bill to change the name of Leah J. Stovall.

And the question being shall the bill pass notwithstanding the executive veto.

The same was lost.

Yeas none, nays 64.

Nays—Messrs. Speaker, Adams, Aldridge, Baugh, Bell of Franklin, Bell of Talladega, Bradley, Brewer, Brock, Brown of Marion, Brown of Tuskaloosa, Bulger, Calfee, Chamberlain, Clarke, Cloud, Colbert, Coleman, Cullum, Denman, Dillard, Espy, Eustace, Griffin, Hale, Hammonds, Herndon, Hobbs, Holly, Huckabee, Irby, Johnston of Perry, Jones, Kennedy, Mabry,



Majors, Mardis, Martin of Dale, Martin of Talladega, Molton, Morgan, Murphree of Pike, Murphy of Henry, Neal, Pennington, Pynes, Reid, Remson, Richardson of Cherokee, Scarborough, Scott, Sheffield, Simpson, Smith of Coosa, Smith of Jefferson, Stiff, Talley Tait, Walden, Warren, Weaver, Williamson Wood and Wright—64.

Mr. Martin of Talladega, moved to suspend business, &c., to take up and consider the bill to authorize the Alabama and Tennessee River Railroad company to unite and form one company, and to amend an act therein named.

Carried.

The House proceeded to consider said bill.

Mr. Caldwell moved the following substitute for the amendment of Mr. Powell :

*Be it further enacted*, That in addition to the bond provided for in the preceding sections of this act, before said united company shall draw any portion of said fund loaned to the Tennessee and Coosa Railroad company, said united company shall give bond to be approved by the Governor in double the amount of the same obtained, made payable to the State of Alabama, that said sum shall be faithfully applied in the construction of said Road in the direction of the Tennessee river, on its present graded line; and that said company shall use no portion of the fund obtained, or any of its means now on hand, or now available in changing the route of said Road in the direction of the State of Georgia, or any other direction other than that indicated and set forth in their charters.

Mr. Bulger moved to lay the substitute on the table.

Lost.

Yeas 16, nays 51.

Yeas—Messrs. Speaker, Adams, Aldridge, Bulger, Colbert, Coleman, Eustace, Holly, Johnson of Tallapoosa, Martin of Dale, Pynes, Register, Reid, Simpson, Smith of Coosa and Warren—16.

Nays—Messrs. Baugh, Bell of Franklin, Bell of Talladega, Bennett, Bradley, Brewer, Brock, Browder, Brown of Marion, Calfee, Caldwell, Clarke, Clayton, Denman, Dillard, Edwards, Espy, Griffin, Hale, Hammonds, Harris, Herndon, Higgins, Hobbs, Houston, Huckabee, Irby, Jones, Kennedy, Mabry, Majors, Mardis, Martin of Talladega, McRae, Molton, Morgan, Murphree of Pike, Richardson of Cherokee, Scott, Sheffield, Slade, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Talley, Tait, Walden, Weaver, Wood and Wright—51.

The substitute was then adopted.

Mr. Bulger moved to amend by striking out all that relates to the three per cent fund.

Mr. Coleman moved the previous question.

Lost.

The question then was upon the amendment of Mr. Bulger.

Mr. Caldwell moved to lay the amendment on the table.

Mr. Bulger called the yeas and nays.

Carried.

Yeas 42, nays 21.

Yeas—Messrs. Baugh, Bell of Franklin, Bell of Talladega, Bennett, Bradley, Brewer, Brown of Marion, Calfee, Caldwell, Clarke, Cloud, Denman, Edwards, Espy, Griffin, Hale, Hammonds, Harris, Herndon, Higgins, Hobbs, Houston, Irby, Johnston of Perry, Jones, Mabry, Majors, Martin of Talladega, Molton, Morgan, Remson, Richardson of Cherokee, Scott, Sheffield, Slade, Smith of Radolph, Staton, Stiff, Weaver, Wood and Wright—42.

Nays—Messrs. Speaker, Adams, Boatright, Brock, Bulger, Eustace, Flournoy, Holly, Johnson of Tallapoosa, Kennedy, Martin of Dale, McCall, McRae, Murphree of Pike, Pynes, Register, Reid, Simpson, Talley, Tait and Warren—21.

Mr. Martin, of Talladega, moved to amend as follows :

*Be it further enacted*, That the loan hereby provided for the said united and consolidated company is the same, and shall be in lieu of the loan heretofore made to the Tennessee and Coosa Railroad company.

Mr. Bulger moved to amend said amendment as follows :

*Provided*, That no part of said appropriation shall be made, until there is money in the treasury above what will be necessary to pay the bonds of the State due, and to become due, now outstanding against the State.

Mr. Simpson moved the previous question.

Message from the Senate, by Mr. Cain :

Mr. Speaker: The Senate has passed the following House bills:

To provide for the pay of jurors in the county of Fayette ;

To regulate the mode of proceeding in cases for rehearing, as provided in part three, title one, chapter seventeen, of the Code of Alabama ;

For the relief of Joshua Lyon, tax collector of Sumter county ;

To amend section 3568 of the Code, in relation to witnesses before grand juries ;

To incorporate the Montgomery Typographical Union ;

To improve sections 2319 and 2320 of the Code of Alabama ;

To amend section 1910 of the Code of Alabama ;

For the relief of Robert C. Macey ;

To reduce and consolidate into one the several acts incorporating the town of Athens, in Limestone county;

For the relief of Harvey B. Marks;

For the relief of J. C. Henderson, of Talladega county;

To compensate Isaac W. Pollard;

To incorporate the Nicarauga and Mobile Steamship company;

To compel the personal attendance of witnesses in civil cases;

To amend section 2416 of the Code of Alabama;

To amend section 1372 of the Code.

Message from the Governor, by Watt Phelan, Esq., private secretary :

Mr. Speaker: His excellency, the Governor, has approved bills which originated in the House of Representatives of the following titles :

An act providing for the transfer of all matters relating to the school funds from the State Bank and Branches to the office of the superintendent of education;

An act to compensate John W. Shepherd for his services as clerk of the committee on the Judiciary of the House of Representatives;

An act to authorize the consolidation of stock by the North East and South West Alabama Railroad and the Wills Valley Railroad companies;

An act to amend section 1847 of the Code;

An act to regulate the practice in partition suits;

An act in reference to school lands belonging to inhabitants of certain townships in this State, located in the States of Arkansas and Louisiana;

An act to amend section 733 of the Code;

An act to amend the several acts incorporating the town of Florence, in the county of Lauderdale;

An act to reprint certain volumes of the Alabama Report;

An act to provide for the enclosure and improvement of the grounds of the Alabama Insane Hospital, and supplying the building with furniture;

An act for the relief of defendants in execution, in Autauga county;

An act to change the times of holding the circuit courts of Wilcox, Lowndes and Dallas;

An act to authorize the intendant of the town of Decatur, in the county of Morgan, to subscribe to the capital stock of the Tennessee and Alabama Central Railroad company, and for other purposes;

An act for the relief of Elijah Woosley and James S. Bain, of the county of Marshall;

An act to amend the charter of the Marion Railroad company, and to extend said Road ;

An act to divorce Elizabeth Liles, from her husband, Marion Liles, and to divorce eight other persons therein named ;

An act to incorporate the town of Maysville in the county of Madison ;

An act to regulate the appointment and duties of patrols for Lowndes county ;

An act for the relief of Lawrence S. Banks, of the county of Morgan ;

An act to legalize the suspension of specie payments by the Mobile Savings company ;

An act to incorporate the Midway Academy, in Barbour county ;

An act to consolidate the offices of judge of probate and clerk of the circuit court, of Washington county ;

An act to authorize L. A. Watson to keep a ferry without license ;

An act to change the line between Cherokee and DeKalb counties ;

An act to authorize the Governor of the State to issue a patent in a certain case ;

An act to repeal in part an act therein named, so far as it applies to Tallapoosa county.

Mr. Bulger moved to adjourn, and called the yeas and nays.

Lost.

Yeas 25, nays 43.

Yeas—Messrs. Speaker, Baskins, Boatright, Brock, Brown of M., Bulger, Calfee, Cary, Eustace, Flournoy, Holly, Johnson of Tallapoosa, Kennedy, Martin of Dale, McCall, Murphree of Pike, Pennington, Pynes, Register, Reid, Simpson, Smith of Coosa, Tait, Warren and Williamson—25.

Nays—Messrs. Baugh, Bell of Talladega, Bennett, Bradley, Brewer, Browder, Caldwell, Clarke, Clayton, Cloud, Cullum, Denman, Dillard, Edwards, Espy, Griffin, Hale, Hammonds, Harris, Herndon, Higgins, Hobbs, Houston, Irby, Jones, Majors, Mardis, Martin of Talladega, Molton, Morgan, Remson, Richardson of Cherokee, Scott, Sheffield, Smith of Jefferson, Smith of Randolph, Staton, Talley, Walden, Weaver, Wood and Wright—43.

Mr. Cullum moved to adjourn to 7 o'clock, P. M.

Mr. Bulger moved to adjourn to half past 9 o'clock, Monday morning.

Mr. Simpson rose in his seat and asked leave to make personal explanation.

Leave was granted.

Mr. Bulger raised the point of order, that he had made a motion to adjourn, and that a motion to adjourn was always in order.

The Chair (Mr. Wood in the chair) ruled, that the House had the power to allow a gentleman, at any time, to make a personal explanation, from which decision Mr. Bulger appealed; and the question being, shall the decision of the chair stand as the decision of the House.

The same was decided in the affirmative.

Yeas 51, nays 1.

Yeas—Messrs. Adams, Baugh, Bell of Talladega, Bennett, Boatright, Bradley, Brewer, Brown of Marion, Brown of Tuskalooza, Caldwell, Chamberlain, Clarke, Cloud, Coleman, Cullum, Denman, Edwards, Eustace, Flournoy, Griffin, Hale, Hammonds, Herndon, Higgins, Hobbs, Holly, Houston, Irby, Jones, Kennedy, Mabry, Majors, Martin of Talladega, McGhee, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Pennington, Remson, Richardson of Cherokee, Sheffield, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Talley, Walden, Weaver, Wood and Wright—51.

Nays—Messrs. Browder—1.

Mr. Bulger asked leave to make a personal explanation, and called the yeas and nays.

Leave was granted.

Yeas 52, nays 12.

Yeas—Messrs. Speaker, Adams, Baskins, Bell of Talladega, Bennett, Boatright, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskalooza, Calfee, Chamberlain, Clarke, Clayton, Coleman, Dillard, Drummond, Echols, Edwards, Eustace, Flournoy, Griffin, Hale, Harris, Higgins, Hobbs, Houston, Irby, Johnson of Tallapoosa, Kennedy, Mardis, Martin of Dale, Martin of Talladega, McRae, Molton, Morgan, Murphree of Pike, Pennington, Pynes, Register, Reid, Simpson, Smith of Coosa, Smith of Randolph, Stiff, Talley, Tait, Walden, Warren, Weaver, Williamson and Wood—52.

Nays—Messrs. Baugh, Browder, Caldwell, Cloud, Cullum, Denman, Espy, Hammonds, Herndon, Holly, Murphy of Henry, Remson, Richardson of Cherokee, Smith of Jefferson, and Wright—12.

The question then was upon the motion to adjourn until half past nine o'clock, on Monday morning.

Lost.

Yeas 22, nays 43.

Yeas—Messrs. Adams, Baskins, Brock, Brown of Marion,

Bulger, Coleman, Drummond, Echols, Eustace, Flournoy, Harris, Holly, Johnson of Tallapoosa, Kennedy, Martin of Dale, Murphy of Henry, Register, Reid, Smith of Coosa, Talley, Tait and Warren—22.

Nays—Messrs. Baugh, Bell of Talladega, Bennett, Bradley, Brewer, Browder, Calfee, Caldwell, Chamberlain, Clarke, Clayton, Cloud, Cullum, Denman, Edwards, Espy, Hale, Hammonds, Herndon, Higgins, Houston, Irby, Jones, Mabry, Majors, Mardis, Martin of Talladega, McRae, Morgan, Pennington, Remson, Richardson of Cherokee, Sheffield, Simpson, Smith of Jefferson, Smith of Randolph, Staton, Stiff, Walden, Wood and Wright—43.

Mr. Bulger moved to adjourn until quarter past nine o'clock, on Monday morning.

Mr. Morgan raised the point of order, that the gentleman from Tallapoosa was offering factious opposition to the House.

The Chair (Mr. Wood in the chair) decided that it was impossible for the chair to know the motives of the gentleman from Tallapoosa, and therefore it decided the gentleman from Tallapoosa to be in order.

From which decision Mr. Morgan appealed, and the question being, shall the decision of the Chair stand as the decision of the House.

The same was decided in the affirmative.

Yeas 44, nays 14.

Yeas—Messrs. Speaker, Adams, Baskins, Baugh, Boatright, Brock, Browder, Brown of Marion, Brown of Tuscaloosa, Bulger, Calfee, Chamberlain, Clarke, Clayton, Cloud, Coleman, Cullum, Denman, Drummond, Echols, Edwards, Eustace, Flournoy, Hale, Harris, Houston, Higgins, Mardis, Martin of Dale, McRae, Molton, Murphree of Pike, Pennington, Pynes, Register, Reid, Smith of Coosa, Smith of Randolph, Tait, Walden, Warren, Weaver, Williamson and Wright—44.

Nays—Messrs. Baugh, Bell of Talladega, Brewer, Caldwell, Griffin, Hammonds, Holly, Morgan, Richardson of Cherokee, Sheffield, Smith of Jefferson, Staton and Stiff—13.

The question then was upon the motion of Mr. Bulger to adjourn until a quarter past nine o'clock, on Monday morning.

Lost.

Yeas 19, nays 44.

Yeas—Messrs. Speaker, Adams, Boatright, Brock, Brown of Marion, Brown of Tuscaloosa, Bulger, Coleman, Drummond, Echols, Eustace, Flournoy, Holly, Johnson of Tallapoosa, Martin of Dale, Register, Smith of Coosa, Tait and Warren—19.

Nays—Messrs. Baugh, Bell of Talladega, Bennett, Brewer,

Browder, Calfee, Caldwell, Chamberlain, Clarke, Clayton, Cullum, Denman, Dillard, Edwards, Espy, Griffin, Hale, Hammonds, Harris, Herndon, Higgins, Hobbs, Houston, Irby, Mabry, Majors, Mardis, Martin of Talladega, McRae, Morgan, Murphy of Henry, Pennington, Reid, Remson, Richardson of Monroe, Sheffield, Smith of Jefferson, Smith of Randolph, Stiff, Talley, Walden, Weaver, Wood and Wright--44.

Mr. Cullum moved to adjourn until 15 minutes before 8 o'clock, P. M.

The motion prevailed, and the House adjourned to 15 minutes before 8 o'clock, P. M.

#### EVENING SESSION.

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names, viz:

Messrs. Speaker, Adams, Allen, Baugh, Bell of Talladega, Bennett, Boatright, Bradley, Brown of Marion, Brown of Tuscaloosa, Calfee, Caldwell, Cary, Clarke, Cloud, Colbert, Coleman, Denman, Drummond, Edwards, Eustace, Flournoy, Griffin, Hale, Harris, Herndon, Higgins, Hobbs, Houston, Irby, Johnson of Tallapoosa, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McGhee, McRae, Molton, Morgan, Murphree of Pike, Pennington, Reedus, Reid, Scarborough, Simpson, Smith of Coosa, Smith of Jefferson, Talley, Warren, Weaver, Williamson, Wood and Wright--50.

Mr. Allen moved to suspend business, &c., to allow the committee on Penitentiary to make a report.

Mr. Molton: to take up certain bill.

Mr. Coleman: to take up certain bill.

The question was severally put, and carried on said motion.

Mr. Allen, from the committee on the Penitentiary, reported favorably to the bill authorizing the Governor to appoint an agent to settle with Jordan & Moore, lessees of the penitentiary, and to define the laws relative to that institution.

The Senate bill:

To allow legal sales in the county of Montgomery to be made in the public square in the city of Montgomery, was taken from among the orders.

The Senate bill:

To incorporate the Yorkville Academy, of Pickens county, was taken from among the orders.

Mr. Wright moved to suspend, &c., in order to take up the Senate bill for the relief of Henry Snow.

Carried, and said bill was read the third time and passed.

Mr. Remson moved to suspend business, &c., to allow time to offer a resolution to reconsider the joint resolution of the two Houses, to adjourn *sine die*, on Monday next.

Lost.

Yeas 28, nays 39.

Yeas—Messrs. Speaker, Baugh, Bell of Talladega, Bennett, Caldwell, Cullum, Dillard, Edwards, Griffin, Hale, Higgins, Houston, Johnston of Perry, Jones, Mabry, Majors, Mardis, Martin of Talladega, McGhee, McRae, Morgan, Pennington, Remson, Sheffield, Smith of Jefferson, Staton, Stiff and Wright—28.

Nays—Messrs. Adams, Allen, Bell of Franklin, Boatright, Bradley, Brown of Marion, Brown of Tuskaloosa, Bulger, Calfee, Cary, Chamberlain, Clarke, Cloud, Colbert, Coleman, Denman, Eustace, Flournoy, Harris, Hobbs, Holly, Johnson of Tallapoosa, Martin of Dale, McCall, Molton, Murphree of Pike, Reedus, Reid, Scarborough, Simpson, Slade, Smith of Coosa, Talley, Tait, Walden, Warren, Weaver and Wood—39.

Message from the Senate, by Mr. Cain :

Mr. Speaker : The Senate has originated and passed the following bills :

For the payment of delegates to the convention to be called by the Governor of Alabama ;

Memorial to Congress for a grant of land to the Selma and Gulf Railroad company ;

To authorize the court of county commissioners of Marshall county, to make appropriations for the relief of certain persons in said county ;

Also, House bills :

To provide for the payment of certain claims against the State, amended ;

To charter the Alabama Insurance company, amended by Senate ;

To incorporate the Southern Insurance company of Mobile, amended by Senate ;

Also, a bill for the relief of Davis, Stratford & Dillard ;

For the relief of purchasers of fractional township 20, range 2, in Coosa land district ;

To divorce Margorett C. Heard from her husband, Joseph M. Heard, et al. ;

For the relief of F. A. Hinse ;

To change the time of holding chancery court for the 38th and 39th districts Northern division of Alabama ;

To secure the State against fraudulent claims ; and,



To authorize the removal of the estate of Anson R. Brockett, a minor, from Sumter, Alabama, to Washington county, in the State of New York.

The House severally concurred in the amendments of the Senate, to the following House bills:

To incorporate the Alabama Fire and Marine Insurance company of Montgomery;

To amend an act to incorporate the Mobile and Great Northern Railroad company, approved February 15, 1856;

To amend the act incorporating the Southern Bank of Alabama.

The Senate bills:

To amend the charter of the Alabama and Florida Railroad company;

To authorize the corporate authorities of the city of Mobile, to aid in the construction of a railroad upon a vote of the citizens;

In relation to the establishment of a school for township 14, range 10, Dallas county;

Joint resolutions authorizing the Governor to receive that portion of the geological report which has been printed;

Joint resolutions to provide for the inaugural expenses.

Bill to amend section 1721 of the Code;

To authorize the South Western Railroad company to extend their railroad from the line of Georgia, at the town of Franklin, on the Chattahoochie River, to the city of Mobile, Alabama, and for other purposes therein named;

To incorporate the Shelby Coal company;

To incorporate the Fayetteville Male and Female Academy, in Talladega county, and for other purposes;

Joint resolutions extending the provisions of joint resolutions approved February 3d, 1858, in reference to the settlement of the accounts of the late secretary of state, Vincent M. Benham, to the present incumbent, James H. Weaver;

To alter and amend the charter of the town of Camden, Wilcox county;

To authorize the court of county commissioners of Marshall county, to make appropriations for the relief of certain persons in said county;

Memorial to Congress for a grant of land to the Selma and Gulf Railroad company;

To secure the State against fraudulent claims;

To authorize the removal of the estate of Anson R. Brockett, a minor, from Sumter county, Alabama, to Washington county, in the State of New York; were severally read, and under a suspension of the constitutional rule, severally read the second and third times forthwith, and passed.

The Senate bill :

To provide for the payment of delegates to the convention to be called by the Governor of Alabama, was read, and on motion of Mr. Johnston, of Perry, laid on the table.

The House severally concurred in the amendment of the Senate to the several House bills :

To render the license laws for retailing spirituous liquors more efficient ;

To incorporate the Southern Insurance company of Mobile ;

To charter the Alabama Insurance company ;

An act for the relief of purchasers of fractional township 20, range 2, in Coosa land district.

And refused to concur in the amendment of the Senate to the House bill to provide for the payment of claims against the State.

Mr. Chamberlain moved to suspend business, &c., to take from the table, the bill to be entitled an act to repeal an act therein named, regulating the circuit and city courts of Mobile county.

Carried.

Mr. Johnston, of Perry, moved to amend to take up certain bill

Mr. Irby : to amend to take up certain bill.

Mr. Walden : to amend to take up certain bill.

Mr. Griffin : to amend to take up certain bill.

Said motions severally prevailed.

Mr. Warren, at ten minutes to 10 o'clock, P. M., called the yeas and nays on his motion to adjourn.

Lost.

Yeas 16, nays 47.

Yeas—Messrs. Speaker, Baskins, Boatright, Brock, Coleman, Espy, Eustace, Flournoy, Holly, Johnson of Tallapoosa, McGhee, Murphree of Pike, Scarborough, Simpson, Smith of Coosa and Warren—16.

Nays—Messrs. Adams, Allen, Baugh, Bell of Franklin, Bell of Talladega, Bradley, Browder, Brown of Marion, Bulger, Calfee, Caldwell, Chamberlain, Clarke, Denman, Dillard, Edwards, Griffin, Hale, Harris, Herndon, Higgins, Hobbs, Houston, Irby, Johnston of Perry, Jones, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Molton, Morgan, Pennington, Reedus, Reid, Remson, Richardson of Cherokee, Sheffield, Staton, Stiff, Talley, Walden, Williamson and Wright—47.

The substitute for the bill :

To regulate an act therein named regulating the sessions of the circuit and city courts of Mobile county, was taken from the

table, read the third time, under a suspension of the rule, and passed.

Mr. Johnston, of Perry, reported favorably to the bill to compensate Y. L. Royston, and said bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Warren, at half past ten o'clock, moved to adjourn.

Lost.

Yeas 16, nays 35.

Yeas—Messrs. Adams, Baskins, Brock, Bulger, Cary, Espy, Eustace, Flournoy, Johnson of Tallapoosa, Martin of Dale, McRae, Murphree of Pike, Reedus, Scarborough, Simpson and Smith, of Coosa—16.

Nays—Messrs. Speaker, Allen, Baugh, Bell of Franklin, Bell of Talladega, Bradley, Brown of Marion, Calfee, Caldwell, Chamberlain, Clarke, Dillard, Edwards, Griffin, Hale, Herndon, Hobbs, Houston, Irby, Johnston of Perry, Jones, Mabry, Mardis, Martin of Talladega, Morgan, Pennington, Remson, Richardson of Cherokee, Smith of Jefferson, Staton, Stiff, Talley, Walden, Wood and Wright—35.

The question then was upon the motion to suspend to allow the committee on Internal Improvements to report, and the same was sustained.

Mr. Holly moved to adjourn.

Lost.

Yeas 7, nays 41.

Yeas—Messrs. Adams, Baskins, Brock, Bulger, Holly, Martin of Dale, and Scarborough—7.

Nays—Messrs. Allen, Baugh, Bell of Franklin, Bell of Talladega, Bradley, Brown of Marion, Calfee, Caldwell, Chamberlain, Clarke, Denman, Dillard, Edwards, Espy, Griffin, Hale, Hammonds, Harris, Herndon, Hobbs, Houston, Irby, Johnston of Perry, Jones, Mabry, Mardis, Martin of Talladega, Molton, Morgan, Reedus, Reid, Remson, Richardson of Cherokee, Smith of Jefferson, Staton, Stiff, Talley, Walden, Williamson, Wood and Wright—41.

At 20 minutes to 11 o'clock, P. M., Mr. Irby moved a call of the roll.

The same was called, and the following members answered to their names, viz :

Messrs. Speaker, Adams, Allen, Baugh, Bell of Franklin, Bell of Talladega, Brown of Marion, Bulger, Calfee, Caldwell, Chamberlain, Clarke, Denman, Dillard, Edwards, Espy, Griffin, Hale, Hammonds, Harris, Herndon, Hobbs, Houston, Irby, Johnston of Perry, Jones, Mabry, Majors, Mardis, Martin of Talladega, Molton, Morgan, Pennington, Reedus, Reid, Remson,

Richardson of Cherokee, Smith of Jefferson, Staton, Stiff, Talley, Walden, Williamson, Wood and Wright—48.

Mr. Bulger moved to adjourn.

Lost.

Mr. Irby moved a call of the roll.

The same was called, and the following members answered to their names, viz :

Messrs. Speaker, Adams, Baugh, Bell of Franklin, Bell of Talladega, Bradley, Brown of Marion, Calfee, Caldwell, Chamberlain, Clarke, Denman, Dillard, Edwards, Espy, Eustace, Griffin, Hale, Hammonds, Herndon, Hobbs, Houston, Irby, Johnston of Perry, Jones, Mabry, Majors, Mardis, Martin of Talladega, McRae, Molton, Morgan, Pennington, Reedus, Reid, Remson, Richardson of Cherokee, Smith of Jefferson, Staton, Stiff, Talley, Walden, Warren, Williamson, Wood and Wright—46.

On motion of Mr. Irby, the House at 15 minutes to 11 o'clock, P. M., adjourned until to-morrow at 9½ o'clock.

MONDAY, February 8th, 1858.

House met pursuant to adjournment.

On motion of Mr. Martin, of Talladega, the reading of the journal was dispensed with, and the general orders were taken up.

The Senate bills :

For the relief of Ward P. Lay, of Sumter county ;

To invest and dispose of a part of the two per cent fund ; were read the third time, and passed.

The Senate bill :

To incorporate the Eastern Bank of Alabama, was read the third time, and passed.

Yeas 42, nays 27.

Yeas—Messrs. Adams, Aldridge, Baugh, Bell of Talladega, Bennett, Boatright, Bradley, Browder, Brown of Tuscaloosa, Bulger, Caldwell, Clarke, Clayton, Colbert, Dillard, Echols, Flournoy, Hale, Herndon, Hobbs, Huckabee, Jeter, Johnson of Tallapoosa, Jones, Mardis, Martin of Dale, Martin of Talladega, McCall, McRae, Molton, Morgan, Murphy of Henry, Pynes, Register, Remson, Scarborough, Slade, Smith of Coosa, Staton, Thompson, Walden, Williamson and Wright—42.

Nays—Messrs. Speaker, Baskins, Brewer, Brown of Marion, Calfee, Cary, Cloud, Cullum, Denman, Espy, Eustace, Hammonds, Harris, Holly, Houston, Irby, Mabry, Pennington, Reid, Richardson, of Cherokee, Scott, Simpson, Smith of Randolph, Talley, Tait, Warren and Wood—27.

Mr. Staton moved to reconsider the vote by which the House passed the bill in regard to Ann Dillard.

The motion prevailed.

The vote was reconsidered.

The Senate bill :

To amend the charter of the Tuskaloosa Bridge company, approved January 2d, 1833, was read the third time, and passed.

Message from the Senate, by Mr. Cain :

Mr. Speaker : The Senate has originated and passed the following bills :

For the relief of Simeon B. Smith, late tax collector of Tallapoosa county ;

Declaring Big Creek, in Mobile county, a navigable stream ;

To authorize the removal of causes in the chancery courts in certain cases.

To which the immediate concurrence of the House is most respectfully asked.

The bill :

To authorize the Alabama and Tennessee River Railroad company and the Tennessee and Coosa Railroad company, to unite and form one company, and to amend an act therein named, was read the third time, and on motion of Mr. Bulger, laid on the table.

The bill :

To appropriate a part of the three per cent fund, was read the third time, and on motion of Mr. Bulger, laid on the table.

The Senate bill :

To authorize the removal of causes in the chancery courts in certain cases, was read three several times, under a suspension of the constitutional rule, and passed.

The Senate bill :

Declaring Big Creek in Mobile county a navigable stream, was read three several times, under a suspension of the constitutional rule, and passed.

The Senate bill :

For the relief of Simeon B. Smith, late tax collector of Tallapoosa county, was read three several times, under a suspension of the constitutional rule, and passed.

The Senate bill :

To repeal an act entitled an act to define the limits of the town Somerville, in the county of Morgan, and to incorporate the same, approved January 19th, 1839, was read the third time, under a suspension of the constitutional rule, and passed.

The Senate bills :

Relating to building and loan association ;

To incorporate the Fort Browder Male Academy, in Barbour county; were severally read a third time, under a suspension of the constitutional rule, and passed.

The Senate bill:

For the relief of Professor J. W. Mallet, was read the third time, under a suspension of the rule, and passed.

Yeas 28, nays 39.

Yeas—Messrs. Aldridge, Baugh, Brock, Brown of Marion, Bulger, Cloud, Dillard, Edwards, Espy, Eustace, Griffin, Hammonds, Holly, Johnson of Tallapoosa, Kennedy, Little, Majors, Martin of Dale, McCall, Pynes, Richardson of Cherokee, Scarborough, Sheffield, Simpson, Staton, Talley, Warren and Wright—28.

Nays—Messrs. Speaker, Bell of Franklin, Bell of Talladega, Bradley, Brewer, Browder, Brown of Tuscaloosa, Calfee, Chamberlain, Clarke, Clayton, Cullum, Denman, Echols, Hale, Higgins, Hobbs, Houston, Irby, Jeter, Johnston of Perry, Jones, Mabry, Mardis, Martin of Talladega, McRae, Molton, Reedus, Register, Reid, Remson, Smith of Coosa, Smith of Randolph, Stiff, Tait, Thompson, Walden, Weaver and Wood—39.

Message from the Governor, by Watt Phelan, Esq., private secretary:

Mr. Speaker: His excellency, the Governor, has approved bills which originated in the House of Representatives of the following titles:

An act to change the time of holding of some of the Fall terms of the chancery courts of the middle chancery division;

An act to regulate the fees of the judges of probate for Lowndes and Macon counties;

An act to amend the law as to the president and directors of the board of steamboat engineers, of Mobile;

An act to amend section 2318 of the Code;

An act to amend the charter of the city of Selma;

An act for the relief of Martin M. Nall, former sheriff of Pike county;

An act to authorize James H. Clanton, executor to erect gates on a certain public road therein named;

An act to incorporate the town of Union Springs, in Macon county;

An act to amend the laws as to pilotage;

An act for the relief of W. B. & A. R. Bell;

An act to incorporate the State Mutual Insurance company;

An act to amend the law in relation to sales of cotton by factors in the city of Mobile;

An act to create an additional term of the chancery court for the 34th district ;

An act to incorporate the Citronelle and McIntoch's Bluff Plank Road company ;

An act to incorporate the Baldwin and Perdido Railroad company ;

An act to prevent nuisances and illegal trafficking with slaves ;

An act to amend the corporation of Livingston ;

An act to amend an act, approved January 15th, 1844, to consolidate the several acts of incorporation of the city of Mobile, and to alter and amend the same ;

An act to amend an act to grant certain power to the commissioners' court of roads and revenue for the county of Lauderdale, and other purposes, approved 31st January, 1846 ;

An act authorizing the qualified voters of Conecuh county to elect a tax assessor for the term of two years ;

An act requiring the presentation of claims against Walker county ;

An act for the relief of F. A. Hinse ;

An act requiring certain road duties of W. W. Pool, of Fayette county ;

An act to amend section 3568 of the Code of Alabama ;

An act to amend section 2182 of the Code of Alabama ;

An act to repeal certain sections of an act therein named ;

An act to repeal an act entitled an act to make a loan to the Alabama and Tennessee Railroad and Memphis and Charleston Railroad companies, passed January 21st, 1856 ;

An act for the relief of William S. Butler, of Shelby county ;

An act to divorce Margaret E. Heard, from her husband, Joseph M. Heard, and to divorce other persons therein named ;

An act to compensate B. B. Davis for stationary certified to be bought by the doorkeeper ;

An act for the relief of Hester Seaward, administratrix, and John R. Brister, administrator of the estate of James M. Seaward, deceased ;

An act to extend the jurisdiction of the commissioners' court of DeKalb county ;

An act supplemental to an act to locate permanently the seat of justice of Marion county, approved February 2d, 1858 ;

An act to extend the corporate limits of Salem, in Russell county ;

An act for the relief of John S. Pearce, guardian, &c. ;

I also herewith return to the House of Representatives in which they originated without the approval of his excellency,

the Governor, and with his objections thereto, bills of the following titles:

A bill:

To be entitled an act to incorporate the Pushmataha School, in the county of Choctaw.

A bill:

To be entitled an act to establish an election precinct in the county of Lowndes;

The House proceeded to consider the veto message from the Governor, it being the bill to incorporate the trustees of Pushmataha School, in the county of Choctaw.

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., February 8th, 1858. }

*Gentlemen of the House of Representatives:*

The bill to be entitled an act to incorporate the trustees of the Pushmataha School in the county of Choctaw, is herewith returned without my approval.

The second section of the bill prohibits the sale of intoxicating liquors, by wholesale or retail within one mile of said school.—Its provisions would prevent the sale of intoxicating liquors for medical purposes. This is in conflict with the public good, and carrying the prohibitory principle to an unreasonable and injurious extent. I am therefore compelled to decline giving it my sanction.

Respectfully,

A. B. MOORE.

And the question being, shall the bill pass notwithstanding the executive veto? the same was lost.

Yeas—None.

Nays—Messrs. Adams, Aldridge, Baugh, Bell of Franklin, Bell of Talladega, Bradley, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskaloosa, Bulger, Calfee, Caldwell, Chamberlain, Clayton, Cloud, Denman, Edwards, Espy, Eustace, Flournoy Griffin, Hammonds, Higgins, Hobbs, Houston, Huckabee, Irby, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Pennington, Pynes, Reedus, Register, Reid, Richardson of Cherokee, Scarborough, Sheffield, Simpson, Smith of Coosa, Smith of Randolph, Staton, Talley, Tait, Thompson Walden, Warren, Weaver, Williamson, Wood and Wright—64.



EXECUTIVE DEPARTMENT,  
Montgomery, Ala., Feb. 8, 1858. }

*Gentlemen of the House of Representatives:*

The bill to be entitled an act to establish an election precinct in the county of Lowndes, is herewith returned without my approval for the following reasons:

Article II, Part 1, of the Code fully provides for the establishment of election precincts by the court of county commissioners.

Section 185 reads as follows:

Such courts may alter the precincts so formed, and change the place of holding elections therein, at a court to be held on the first Monday in February, 1853, and on that day every three years thereafter, and not at any other time. Section 182 gives the said court power to establish precincts, which may be altered as above stated.

The next general election will be in August 1859, so that under the Code the object of this bill may be effected on the first Monday in February, 1859, in full time for the next general election.

This provision of the Code was intended to guard against local legislation which has subjected the State to great expense. It is manifest that local legislation is a great and growing evil, and whenever the courts are invested with the power to relieve the wants and necessities of the people, they should be resorted to for that purpose. If the legislature intervenes between the courts and the people these wise provisions of the Code will become utterly useless.

Respectfully,

A. B. MOORE.

And the question being, shall the bill pass notwithstanding the executive veto? the same was lost.

Yeas 7, nays 52.

Yeas—Messrs. Brock, Clayton, Holly, McKrae, Morgan, Scarborough and Williamson—7.

Nays—Messrs. Adams, Baugh, Bell of Talladega, Boatright, Bradley, Brewer, Brown of Marion, Bulger, Calfee, Caldwell, Clarke, Denman, Edwards, Espy, Eustace, Hale, Hammonds, Higgins, Hobbs, Houston, Huckabee, Irby, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Little, Mabry, Majors, Mardis, Martin of Dale, Molton, Murphy of Henry, Pennington, Pynes, Register, Reid, Richardson of Cherokee, Sheffield, Simpson, Smith of Coosa, Smith of Randolph, Staton, Stiff, Talley, Tait, Walden, Warren, Weaver, Wood and Wright—52.

Mr. Wright moved to suspend business before the House, in order to allow him to introduce a bill in relation to Calhoun, late Benton county.

Mr. Adams: to amend to allow him to introduce a memorial.

On motion of Mr. Aldridge the motion and amendments was laid on the table.

Yeas 34, nays 24.

Yeas—Messrs. Aldridge, Baugh, Bradley, Brewer, Brock, Caldwell, Clayton, Colbert, Cullum, Echols, Eustace, Flournoy, Hale, Irby, Jeter, Kennedy, Mabry, McRae, Molton, Morgan, Murphree of Pike, Murphy of Henry, Pennington, Pynes, Reedus, Reid, Richardson of Cherokee, Scarborough, Scott, Smith of Coosa, Staton, Tait and Wood—34.

Nays—Messrs. Brown of Marion, Denman, Dillard, Edwards, Espy, Griffin, Hammonds, Higgins, Hobbs, Holly, Houston, Huckabee, Johnson of Tallapoosa, Majors, Mardis, Register, Sheffield, Simpson, Smith of Randolph, Stiff, Talley, Walden, Warren and Wright—24.

Mr. Huckabee moved to suspend business, &c., in order to take up and consider a certain Senate bill.

Carried.

And the Senate bill:

For the relief of devisees of the heirs of Jane Barry, deceased, was read the second time, and the rule being suspended, the same was read the third time forthwith, and passed.

Message from the Senate, by Mr. Cain:

Mr. Speaker: The Senate has concurred in the House amendment to the bill as to the pay of A. B. Clitherall, and adhere to their refusal to concur in the House amendment as to the clerks per diem;

The Senate has concurred in the amendments of the House to the bill as to the two per cent. fund;

Also, the House amendments to the bill to incorporate the Eastern Bank of Alabama.

The Senate has passed the following House bill:

To incorporate the trustees of the Providence Infirmary of Mobile;

Has also receded from its amendment as to the House bill to compensate A. J. Walker, *et al*;

Have passed House bills:

To regulate sales by the general administrator of Mobile county;

To compensate Y. L. Royston.

Mr. Reedus: to amend to allow committee on the Judiciary to make a report, and the same prevailed.

Mr. Martin, of Talladega, from the committee on the Judiciary, reported favorably to the bill :

To authorize the sale of the bonds of the county of Limestone, and said bill was read the third time, under a suspension of the rule, and passed.

Messrs. Clayton, Echols and Staton, were appointed a committee of conference to act with a like committee on the part of the Senate, on the vote of the two Houses on the amendment of the House to the Senate bill to compensate certain persons therein named.

On motion of Mr. Clayton, it was first ordered that the Senate forthwith be informed of this action of the House.

The Senate bills ;

Explanatory and declaratory of the meaning and intention of the 12th section of the act incorporating the Girard and Mobile Railroad company, amending the same ;

To amend section 2424 of the Code of Alabama ;

In regard to the cession of West Florida ;

To amend section 2409 and 2410 of the Code of Alabama ; were severally read the second time, and under a suspension of the constitutional rule, the same were severally read the third time forthwith, and passed.

The House bill :

To authorize Robert H. Abercrombie, of Macon county, to practice law in the courts of this State, was read the second time, and on motion of Mr. Brown laid on the table.

The Senate bills :

To amend section 3047 of the Code ;

To amend a certain act therein named, relative to the road laws in certain counties ;

To authorize administrators on insolvent estates, to maintain action for recovery of lands in certain cases ;

To incorporate the South and North Alabama Railroad company ; were severally read the second time, and the rule being suspended the same were severally read the third time, and passed.

The Senate bill :

To enlarge the jurisdiction of the probate court of the several counties of this State, was read the second time, and the rule being suspended, the same was read the third time forthwith, and passed.

Yeas 47, nays 14.

Yeas — Messrs. Speaker, Adams, Aldridge, Bradley, Brewer, Brock, Browder, Calfee, Clarke, Clayton, Coleman, Cullum, Echols, Edwards, Hale, Harris, Herndon, Hobbs, Hoily, Hous-

ton, Huckabee, Irby, Jeter, Jones, Little, Mabry, Mardis, Martin of Talladega, McGhee, McRae, Molton, Morgan, Murphy of Henry, Pennington, Pynes, Reedus, Register, Reid, Richardson of Cherokee, Scott, Smith of Coosa, Smith of Randolph, Talley, Walden, Weaver, Wood and Wright—47.

Nays—Messrs. Baugh, Bell of Talladega, Bennett, Brown of Marion, Bulger, Dillard, Espy, Eustace, Hammonds, Kennedy, Martin of Dale, Stiff, Tait and Warren—14.

Message from the Senate, by Mr. Cain:

Mr. Speaker: The Senate has passed the following House bill:

To refund to the commissioners of free public schools for the county of Marshall a certain amount of money, paid out of the interest arising out of the 16th section fund belonging to township 9, range 2, east, in the county of Marshall.

For the relief of certain persons therein named;

To ascertain the advancements made to legatees or distributees by the testators or intestate in his life time;

The Senate adheres to its refusal to concur in the House amendments to the bill to increase the pay of clerks and secretaries, and appoints on the part of the Senate, the following committee of conference:

Messrs. Jones of Greene, Rather and Clitherall.

The Senate bill:

To extend the time for opening the books of subscription of Wetumpka Insurance company, was read the second time, and the constitutional rule being suspended, the same was read the third time, and passed.

The Senate bill

To amend section 1058 of the Code of Alabama, was read the third time under a suspension of the constitution rule, and passed.

The House bills:

In regard to annual settlements by administrators and guardians in Macon county;

To dispense with the tax upon one horse used by overseers; were severally read the second time, and on motion laid on the table.

Mr. Walden reported favorably to the bill:

To vest in the Tennessee and Alabama Central Railroad, certain lands granted by Congress in trust to the State of Alabama, to aid in the construction of Tennessee and Alabama Central Railroad, and said bill was read the third time under a suspension of the rule, and passed.

The Senate bill:

Vesting certain powers in the commissioners' court of Coosa.

county, was read the second time, and the rule being suspended, the same was read the third time forthwith, and passed.

Mr. Walden, from the committee on Internal Improvements, reported favorably to the bill to accept the grant of land by Congress to the Coosa and Chattooga Railroad, and said bills were read the third time forthwith, under a suspension of the rule rule, and passed.

Mr. Clayton, from the select committee of conference, appointed by the House to confer with a like committee on the part of the Senate in relation to the Senate bill to compensate certain persons therein named, reported that it was impossible for the said committee to agree, and asked to be discharged.

On motion, said report was laid on the table.

Mr. Hale moved that the House recede from its amendment, so far as the pay of the officers of the Senate is concerned, and the motion prevailed.

Leave of absence was granted to Mr. Smith, of Coosa.

The Senate bill:

For the relief of township 17, range 29, in Russell county, was read the second time, and the constitutional rule being suspended, the same was read the third time, and passed.

The Senate bill:

For the relief of J. A. Waterman, was read the second time, and the rule being suspended, the same was read the third time forthwith, and passed.

The House bill:

To prevent the re-issuing of executions by justices of the peace, was reported favorably to by the committee on Propositions and Grievances, and said bill was read the third time, under a suspension of the rule, and passed.

Mr. Griffin, from the committee on Privileges and Elections, reported favorably to the bill to legalize precincts numbers 7 and 14, in Dale county, and said bill was read the third time, under a suspension of the rule, and passed.

The Senate bill:

For the relief of Benjamin B. Avery, of Chambers county, was reported favorably upon by the committee on Propositions and Grievances, and said bill was read the third time, under a suspension of the rule, and passed.

The Senate bill:

To compensate certain persons therein named, was read the second time, and the rule being suspended, the same was read the third time forthwith, and passed.

The Senate bill:

For improving the supreme court library, was read the sec-

ond time, and the rule being suspended, the same was read the third time forthwith, and passed.

Mr. Jones, from the committee on the Judiciary, reported adversely to the bill to amend section 2118 of the Code.

Mr. Warren moved to lay the report on the table.

Lost; and said adverse report was concurred in.

Mr. Bulger, from the committee on Military Affairs, reported back to the House the bill to incorporate the Sumter Mounted Guards, amended by the committee as follows:

Insert after the word "the," when it first occurs in the 6th line, first section, "orders and command of the major general and brigadier general, for the purpose of review and inspection;" and in the third line of fifth section, strike out "may" and insert "shall;" strike out patrol and road duties when they occur in the last section of said bill.

Said amendment was adopted, and the bill as amended, read the third time, under a suspension of the rule, and passed.

Message from the Senate, by Mr. Cain.

Mr. Speaker: The Senate has passed the following House bills:

To repeal an act therein named, regulating the sessions of the circuit and city courts of Mobile county;

To compensate J. J. Adams, of Lowndes county, for certain services rendered the State;

For the relief of James H. Daughdrill, Elisha B. Lot and Henry Hart, tax collectors of Mobile county;

For the relief of Robert A. McGibony;

To prevent betting at ten pins;

Joint resolutions, proposing amendments to the Constitution;

For the relief of U. T. Cleveland, sheriff of Mobile county;

To authorize the sale of the bonds of the county of Limestone.

On motion, the House adjourned to 3 o'clock, P. M.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Jones, from the committee on the Judiciary, reported adversely to the bill to authorize the executrix of B. W. Mangum to sell real estate of deceased.

On motion of Mr. Williamson, said report was laid on the table; and the constitutional rule being suspended, the said bill was read the third time, and passed, and ordered forthwith to the Senate.

Mr. Jones, from the same committee, reported back to the

House a substitute for the bill to prevent trespasses by cattle, and other stock, in the counties of Sumter and Marengo.

Said substitute was adopted, and the bill read the third time, under a suspension of the rule, and passed.

Mr. Baugh moved to suspend the business, &c., in order to take up the bill to regulate the sale of produce raised or manufactured within this State.

Carried.

Yeas 29, nays 24.

Yeas—Messrs. Speaker, Baugh, Bell of Franklin, Bell of Talladega, Brown of Marion, Brown of Tuskaloosa, Caldwell, Clayton, Cloud, Colbert, Cullum, Edwards, Espy, Griffin, Hammonds, Houston, Majors, Martin of Talladega, McRae, Reid, Richardson of Cherokee, Scarborough, Sheffield, Simpson, Staton, Stiff, Weaver and Williamson—29.

Nays—Messrs. Aldridge, Browder, Bulger, Denman, Dillard, Echols, Eustace, Hale, Harris, Herndon, Hobbs, Holly, Irby, Johnston of Perry, Jones, Mabry, Mardis, Molton, Morgan, Scott, Smith of Randolph, Thompson, Walden and Wood—24.

And said bill was read the third time.

Mr. Mabry moved to lay the bill on the table.

Mr. Baugh called the yeas and nays.

Yeas 16, nays 36.

Yeas—Messrs. Aldridge, Bennett, Bradley, Chamberlain, Dillard, Harris, Herndon, Hobbs, Holly, Irby, Johnston of Perry, Jones, Mabry, Mardis, Thompson and Wood—16.

Nays—Messrs. Speaker, Baugh, Bell of Franklin, Bell of Talladega, Brown of Marion, Brown of Tuskaloosa, Calfee, Caldwell, Cary, Clayton, Cloud, Denman, Edwards, Espy, Eustace, Griffin, Hammonds, Higgins, Houston, Majors, Martin of Dale, Martin of Talladega, McRae, Morgan, Murphree of Pike, Reid, Richardson of Cherokee, Scarborough, Sheffield, Simpson, Smith of Randolph, Staton, Stiff, Warren, Weaver and Wright—36.

Mr. Martin, of Talladega, moved to reconsider the vote by which the House refused to pass, over the Executive veto, the bill to incorporate the Pushmataha School, in the county of Choctaw.

Mr. Irby moved to lay the motion to reconsider on the table.

Carried.

Message from the Senate, by Mr. Cain :

Mr. Speaker: the Senate has passed the following resolution :

*Resolved*, That the Senate inform the House of Representatives that the Senate has completed the business of the session, and

will be ready to adjourn *sine die*, at 10 o'clock, P. M., of this day, and have passed a resolution to that effect.

And the question being in concurring in the substitute of the Senate for the amendment of the House, to the Senate bill to compensate certain persons therein named.

And said substitute was concurred in.

Yeas 36, nays 20.

Yeas—Messrs. Aldridge, Baugh, Bell of Franklin, Bell of Talladega, Bradley, Brown of Tuscaloosa, Bulger, Calfee, Caldwell, Clayton, Dillard, Edwards, Eustace, Hale, Hammonds, Harris, Herndon, Hobbs, Houston, Jones, Mabry, Martin of Dale, Martin of Talladega, McRae, Molton, Morgan, Murphree of Pike, Reedus, Reid, Richardson of Cherokee, Scott, Sheffield, Smith of Randolph, Stiff, Talley, Walden, Weaver, Wood and Wright—36.

Nays—Messrs. Brown of Marion, Chamberlain, Cullum, Denman, Echols, Espy, Flournoy, Higgins, Holly, Irby, Johnston of Perry, Mardis, McCall, Pennington, Simpson, Slade, Staton, Tait, Warren and Williamson—20.

Mr. Bulger moved to reconsider the vote just taken.

Mr. Wood moved to lay the motion to reconsider on the table.

Carried.

Yeas 39, nays 15.

Yeas—Messrs. Bell of Franklin, Bell of Talladega, Bennett, Bradley, Browder, Brown of Marion, Calfee, Caldwell, Clayton, Cullum, Denman, Dillard, Edwards, Eustace, Hale, Hammonds, Harris, Higgins, Houston, Irby, Jones, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, Molton, Morgan, Murphree of Pike, Reid, Richardson of Cherokee, Sheffield, Smith of Randolph, Stiff, Tait, Thompson, Weaver, Wood and Wright—39.

Nays—Messrs. Speaker, Baugh, Brown of Tuscaloosa, Bulger, Chamberlain, Echols, Espy, Johnston of Perry, McCall, McRae, Scott, Slade, Staton and Williamson—15.

Message from the Governor, by Watt Phelan, Esq., private secretary :

Mr. Speaker: His excellency the Governor has approved bills which originated in the House of Representatives, of the following titles :

An act to amend section 2419 of the Code of Alabama ;

An act to amend section 1372 of the Code ;

An act to amend the several acts incorporating the town of Tusculumbia, in Franklin county ;

An act to charter the Alabama Insurance company ;

An act to amend section 1910 of the Code ;



- An act to provide for the election of state printer ;
- An act to incorporate the Alabama Bible and Colporteur society ;
- An act to improve sections 2319 and 2320 of the Code of Alabama ;
- An act to incorporate the Mobile and Nicaragua Steamship company ;
- An act for the relief of Russel J. Allen, of the county of St. Clair ;
- An act to compensate Y. L. Royston ;
- An act for the relief of Henry B. Marks ;
- An act to compensate Isaac W. Pollard ;
- An act to fix the mode of conveying estates of husband and wife, and for other purposes ;
- An act to render the license laws, for retailing spiritous liquors, more effectual ;
- Act to change the time of holding chancery courts for the 38th and 39th districts, northern division of Alabama ;
- An act to amend section 3568 of the Code, in relation to witnesses before grand juries ;
- An act to incorporate the Montgomery Typographical Union ;
- An act for the relief of Mary C. Grigsby, of Coosa county ;
- An act to amend section 1005 of the Code, in relation to slaves ;
- An act to regulate the mode of proceedings in cases for rehearing, as provided in part 3, title 1, chapter 1, of the Code of Alabama ;
- An act to incorporate the Alabama Fire and Marine Insurance company, of Montgomery ;
- An act to compel the court of county commissioners, of Marshall county, to lay a special tax for the purpose of paying the grand and petit jurors ;
- An act to regulate sales by the general administrator of Mobile county ;
- An act to compel the personal attendance of witnesses in civil cases ;
- An act for the relief Davis, Stratford & Dillard ;
- An act to amend the act to incorporate the Southern Bank of Alabama ;
- An act to regulate the drawing of grand jurors in Marion county ;
- An act for the relief of Joshua Lyon, tax collector of Sumter county ;
- An act for the relief of Robert C. Macey ;

An act to incorporate the Southern Insurance company of Mobile;

An act amendatory of the proceedings in chancery;

An act for the relief of the devisees of the heirs of Jane Barry, deceased;

An act to repeal an act therein named, regulating the sessions of the circuit and city courts of Mobile county;

An act for the relief of purchasers of fractional township 20, range 2, in Coosa land district;

An act to provide for the pay of jurors in the county of Fayette;

An act for the relief of J. C. Henderson, of Talladega county;

An act to amend an act to incorporate the Mobile and Great Northern Railroad company, approved February 15, 1856;

An act for the relief of Robert A. McGibony;

An act to refund to the commissioner of public schools, for the county of Marshall, a certain amount of money paid out of the interest arising out of the sixteenth section fund, belonging to township 9, range 2, east, in the county of Marshall;

An act for the relief of certain persons therein named;

An act to authorize the sale of the bonds of the county of Limestone;

An act to incorporate the trustees of the Providence Infirmary of Mobile;

An act for the relief of U. T. Clereland, sheriff of Mobile county;

An act for the relief of James H. Daughdrill, Elisha B. Lot and Henry Hunt, tax collectors of Mobile county.

Mr. Williamson, from committee on Enrolled Bills, reported the following bills as correctly enrolled:

An act to repeal in part an act therein named, so far as it applies to Tallapoosa county.

The Senate bill:

To renew and extend the operations of the act therein named, was read the second time, and the rule being suspended, the same was read the third time forthwith and passed.

The bill for the relief of Charles Hobbs, of Talladega, was read the third time, under a suspension of the rule, and passed.

Mr. Jones offered the following resolution:

*Resolved*, That committees forthwith report back to the House all bills, and other matters referred to them, and not heretofore reported back, and that all such reports and bills be laid upon the table, and they be discharged from the further consideration of the matters referred to them; and that all petitions and ac-

counts not acted on, may be withdrawn by the members who presented them.

Mr. Irby, from the committee on Ways and Means, reported back a substitute for the bill to repeal section 43 of the Code, and providing more equitably for the pay of members, to be entitled an act to equalize the mileage charged by the members of the two Houses of the General Assembly.

Said substitute was adopted, and the bill was read the third time, under a suspension of the rule, and passed.

Mr. Morgan offered the following resolution, which was adopted :

*Resolved*, That with the concurrence of the Senate, a joint committee be appointed on the part of each House, to wait on his excellency, the Governor, and to inform him that the General Assembly will be ready to adjourn on this evening, at 6 o'clock, and to ask him whether or not he has any further communication to make to either branch of the said General Assembly.

Mr. Jones offered the following resolutions which were unanimously adopted :

*Resolved, unanimously*, That the thanks of this House are due, and are hereby tendered to the Hon. C. M. Jackson, Speaker of the House, for the courteous, able and impartial manner in which he has discharged the arduous duties of his office.

*Resolved*, That the thanks of the House are hereby tendered to the principal, assistant, and engrossing clerks, and the door keeper of this House, for the faithful and efficient manner in which they have respectively discharged their official duties.

Mr. Martin offered the following resolution, which was adopted :

*Resolved*, That the hearty thanks of this House are due, and are hereby tendered to the various ministers of the Gospel of this city, for the voluntary services rendered by them to the House during the present session.

Mr. Caldwell offered the following resolution, which was adopted :

*Resolved*, That the reporters of the various papers published in this city, are entitled to the thanks of this body for the impartial manner in which they have discharged their duties.

Message from the Senate, by Mr. Cain :

Mr. Speaker: The Senate has passed the following House bills :

To authorize the executrix of B. W. Mangum to sell real estate of deceased ;

To repeal an act therein named, approved February 2, 1856 ;

The Senate has concurred in the resolution of the House to adjourn *sine die*, at 6 o'clock, P. M. ;

And have appointed Messrs. Clitherall, Storrs and Hill, said joint committee on the part of the Senate, to wait upon his excellency, the Governor.

Mr. Dillard moved to suspend the business before the House in order to take up the bill:

To provide for the burning of the mutilated bills of the Bank of Montgomery in the comptrollers office.

The motion prevailed, and said bill was read the second time, and the rule being suspended, the same was read the third time forthwith, and passed.

Mr. Wright moved to suspend the business before the House to enable him to introduce a bill to change the name of the county of Calhoun, back to that of Benton, and called the yeas and nays, on the motion to suspend.

Yeas 20, nays 21.

No quorum voting.

Yeas—Messrs. Baugh, Denman, Dillard, Echols, Griffin, Hammonds, Herndon, Hobbs, Holly, Jones, Majors, Mardis, Martin of Dale, Martin of Talladega, Morgan, Smith of Randolph, Thompson, Warren, Weaver and Wright—20.

Nays—Messrs. Adams, Bradley, Browder, Brown of Tuska-loosa, Caldwell, Clayton, Cullum, Edwards, Eustace, Harris, Irby, Johnston of Perry, Mabry, McGhee, McRae, Molton, Pennington, Richardson of Cherokee, Staton, Tait and Wood—21.

Mr. Wood, from the joint committee appointed to wait upon his excellency, the Governor, and inform him that the two Houses had finished their business and would be ready to adjourn at 6 o'clock, this evening, if he had no further communication to make, ask leave to report that they have performed that duty, and his excellency had informed them that he would make his final communication to the two Houses at that hour.

Mr. Johnston, of Perry, offered the following resolution, which was adopted:

*Resolved*, That the thanks of the members of this House be cordially tendered Frederick LaForge for his active and prompt discharge of all the duties attending his office, and that they hereby express their high appreciation of him as a youth of much promise and worth.

Message from the Governor, by Watt Phelan, Esq., private secretary:

EXECUTIVE DEPARTMENT,  
 Montgomery, Ala., 8th Feb., 1858. }

*Gentlemen of the House of Representatives:*

I have no further communication to make to the House of Representatives. All the bills and joint resolutions submitted during the session have been approved by me, or returned without my signature, with my reasons therefor.

I have only to add that you will leave the Capitol with my best wishes for your future prosperity and happiness, individually and collectively.

Respectfully,  
 A. B. MOORE.

Message from the Governor :

Mr. Speaker : His excellency, the Governor, has approved bills which originated in the House of Representatives, of the following titles :

An act to prevent betting at ten pins ;

An act to repeal an act therein named, approved the 2d February, 1856 ;

An act to compensate J. J. Adams, of Lowndes county, for certain services rendered the State ;

An act to better ascertain the advancements made to legatees or distributees by the testator or intestate in his life time ;

An act to authorize the executrix of the will of Abram Burk to move the administration and property of said estate, from the county of Coffee to the county of Barbour ;

An act to authorize the executrix of B. W. Mangham to sell real estate of deceased ; also,

Joint resolutions proposing amendments to the constitution.

Mr. Speaker rose and said :

*Gentlemen of the House of Representatives :*

Words are inadequate to express the emotion that swell my bosom, and strive for utterance upon the present occasion. For three months, with a short intermission, we have been in constant companionship, and so far as my intercourse with you is concered, it has been of the most pleasing and grateful character. In the discharge of the responsible duties imposed upon me by your kindness, it has been my constant endeavor to do so faithfully and impartially. That I have committed errors I dare not deny, but if so, it has resulted from accident, and not from any intent or design to do injustice to any. In the performance of my duties, I have known no man—no party. My advocacy of one measure or opposition to another has had no influence

upon my decisions. I should have been unworthy of the honorable and responsible position assigned me, could I, for one moment, have suffered myself to be controlled by selfish or personal motives. That I have given general satisfaction is manifested by the resolution you have adopted. That my official conduct receives your approbation, is deeply grateful to my feelings; and I am sure that I sincerely reciprocate the kindly sentiments you have expressed. Go where you will, surrounded by whatever circumstances—whether of joy or sorrow—each of you will have my most heartfelt sympathies; and I will never cease to remember with gratitude, the kindness with which I have been invariably treated. Subjects of importance, questions of vital interest—affecting various localities, aside from those directly concerning the public welfare—have been discussed, involving differences of opinions. In the heat and excitement of debate, personal feelings have been engendered, but I trust that all such have passed away with the circumstances that gave them birth.

That we have been unusually fortunate in the preservation of good order, harmony and friendly feeling, is a source of gratification; and if, for a moment, any sentiment other than that of kindness has arisen, I hope it will never be remembered, and that when we separate each will entertain for his fellow member sentiments of regard and esteem not to be shaken by trivial causes. "To err, is human—to forgive, divine." If any should think that he has been aggrieved by the pertinacity with which others have advocated or defended various propositions in which they have felt an interest, he or they should reflect that they, too, in the estimation of some, had manifested an over zeal. Let each and all forget and forgive; and let the time of our separation be an era to which, in after years, we may look as one of universal good feeling. If, at any time, I have said or done anything to wound the feelings of a single member of this House, I can only say that I regret it, and that such has been far from my intention or design. Towards each and all of you, I have but one sentiment, and that of friendship and kindly esteem. I shall remember with feelings of profound gratitude my intercourse with you, and ask forgiveness for any unintentional error into which circumstances have betrayed me.

To clerks and subordinate officers of this House, I tender my thanks for their prompt attention to their duties. To their industry and zealous discharge of their duties, we are indebted for the satisfactory progress of business, and for the correct and accurate record of our proceedings. To the chairman of the different committees, I am under many obligations for the able

manner in which they have respectively discharged their duties. I could not have been more fortunate in the selection of heads of committees. To the members generally I am indebted for their punctual attendance upon the sittings of the House, and for the disposition manifested to preserve good order. If the harmony of our deliberations have been momentarily disturbed by accidental circumstances, good feeling has again been restored, and I am happy to believe that the present House will adjourn with sentiments prevailing amongst its members of unalloyed friendship, esteem and good will. Such, I trust, will be and is the case. It is not probable that we shall ever again assemble together under similar circumstances. That each of you may return to your respective homes, and find those who are near and dear to you in the enjoyment of health and happiness, is my sincere and ardent wish; and may your respective constituencies greet you with the plaudits of "well done good and faithful servant."

And now, gentlemen, the time has arrived when we are to separate. Whilst our intercourse has been pleasant and the remembrance of it will hereafter be recollected with feelings of a mixed character—of pleasure and pain—yet, I trust that no feelings of regret or remorse will constitute any portion of reminiscence. Now, when our hearts swell, and our eyes moisten the cheek with a kindly and sympathetic tear, it remains for me to pronounce only that one word, which makes us linger, yet must be said. With feelings of gratitude, and sincere personal regard for each one of you, I bid you an affectionate—FAREWELL.

This House stands adjourned *sine die*.

CRAWFORD M. JACKSON,  
Speaker of the House of Representatives.

Attest:

ALBERT ELMORE,  
Principal Clerk.

Montgomery, February 8th, 1858.

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- SCOTT, MR.**—Introduced bills, 49, 128, 135, 170, 232; made motions, 278, 384, 402; moved to amend, 52; moved to reconsider, 166, 169, 523; made reports, 63, 73, 221; joint resolutions, 50.
- SHEFFIELD, MR.**—Introduced bills, 62, 70, 128, 135, 161, 282, 444; made motions, 465; moved to amend, 403, 553; made reports, 404; presented accounts, 232, 281.
- SIMPSON, MR.**—Introduced bills, 55, 232; made motion, 286, 496, 564; moved to amend, 271, 418; moved to lay on table, 514; moved the previous question, 562.
- SLADE, MR.**—Introduced bills, 180, 284, 378, 528; made motion, 528; presented accounts, 135, 408.
- SMITH, MR. OF COOSA.**—Introduced bills, 122, 375; made motions, 375, 431, 482; moved to lay on the table, 114; presented account, 35.
- SMITH, MR. OF JEFFERSON.**—Introduced bills, 56, 70, 280, 483; made motion, 163; moved the previous question, 100; presented petitions, 280, 375.
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**STIFF, MR.**—Introduced bills, 33, 94, 110; made reports, 174, 181; joint resolutions, 112.

**TAIT, MR.**—Introduced bills, 86, 180, 284, 327, 485; made motions, 289, 485; moved to amend, 338, 380; moved to adjourn, 531; presented petitions, 232.

**TALLEY, MR.**—Introduced bills, 72, 281, 375; made reports, 73.

**THOMPSON, MR.**—Introduced bills, 346, 401, 407, 534; made motions, 401, 534; moved to adjourn, 546, 547.

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**WARREN, MR.**—Introduced bills, 41, 48, 81, 110, 127, 153, 197, 279, 274, 406; made motions, 214, 237, 254, 262, 446, 570; moved to amend, 484; moved to lay on table, 231, 311, 417, 462, 513, 582; moved to adjourn, 403, 541, 571; moved to reconsider, 553; made reports, 111; presented petitions, 122, 280.

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